

Title 15

BUILDINGS AND CONSTRUCTION

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Chapter 15.05

BUILDING CODES

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[Codifier's Note: The latest adopted editions and amendments of the technical, construction and building codes, and appendices thereto, referred to in this title are on file and may be consulted by the public at the Building Section, Community Development Department, 350 N. Market Blvd., Chehalis, WA 98532-1900. Resol. No. 99-515, merged building department functions of the former Public Services Dept. into the Department of Community Development.]

15.05.010 Authority.

The authority for this chapter is Article XI, Section 11, of the Constitution of the State of Washington, RCW 36.32.120(7) and Chapter 19.27 RCW, known as the State Building Code Act. It is enacted for the benefit of the public in general and not for the special benefit of any one individual. [Ord. 1157, 1998; Ord. 1146 § 1, 1995]

15.05.020 Adoption of codes.

(1) The below listed documents, one copy of each of which is on file in the office of the auditor of Lewis County and below designated statutes of the State of Washington are each hereby referred to and adopted and made a part hereof as if fully

set forth in this chapter, subject to the amendments thereto as hereinafter provided. The provisions of the below-stated codes may be subject to amendment.

(a) The Uniform Building Code, Volumes One and Two, together with Volume Three, the Material, Testing and Installation Standards, 1997 Edition, including Appendix Chapter 3, Division II, Chapter 4, Chapter 15, Chapter 18, Chapter 31, Division III, together with the additions, deletions, and exemptions contained in Chapter 51-40 WAC is hereby adopted by reference, and, specifically, Appendix 33 published by the International Conference of Building Officials and on file with the Building Section, Community Development Department, with the additions and amendments thereto, is hereby adopted by reference;

(b) Uniform Mechanical Code, 1997 Edition, including Chapter 13, Fuel Gas Piping, published by the International Conference of Building Officials, is hereby adopted by reference, together with the additions, deletions, and exemptions contained in Chapter 51-42 WAC.

(c) Uniform Fire Code, Volumes One and Two, 1997 Edition, including Appendix Chapter II-F, published by the International Fire Code Institute, is hereby adopted by reference, together with the additions, deletions and exemptions contained in Chapter 51-44 WAC; and specifically, Section 1102.3 as published by the International Conference of Building Officials, as amended by WAC 51-44-1102, and with the following additions and amendments, is hereby adopted by reference:

1102.3.1 General. Open burning shall be conducted in accordance with Section 1102.3 Open burning shall also be conducted as required by other governing agencies regulating emissions. See chapter 173-425 WAC. The Lewis County Building

Official shall administer a permitting system under the provisions of Sections 101 to 105 of the Uniform Fire Code for outdoor burning, and shall adopt and enforce rules and procedures on issuance of such permits and the processes whereby such permitting will be conducted, as follows:

1102.3.1.1 Permit. No person shall conduct any outdoor burning, or permit outdoor burning to occur except as provided by this chapter or state law, or as provided by Lewis County permit issued by the County Building Official.

1102.3.1.2 Silviculture exception. All silvicultural outdoor burning conducted in accordance with State law and rules and regulations adopted by the Department of Natural Resources are exempt from the county's permit requirements.

1102.3.1.3 Agriculture exception. All agricultural outdoor burning conducted in accordance with state law and rules and regulations adopted by the Department of Ecology are exempt from the county's permit requirements.

EXCEPTION: Recreational fires shall be in accordance with Section 1102.4

1102.3.2 Notification. Prior to commencement of open burning, if unregulated by the Lewis County open burning permit program, the fire department shall be notified. Prior to commencement of open burning in unincorporated areas under the Lewis County permit program, the county website or telephone messaging system of the Lewis County Building Official, under his/her authority as Fire Marshal, shall be contacted in accordance with permit requirements regarding weather conditions and open burning restrictions.

1102.3.3 Material restrictions. Open burning of rubbish containing paper products is prohibited. All outdoor fires shall be restricted to natural vegetation grown on the property where the burning occurs, consisting of leaves, clippings,

pruning, residue from trees, stumps or other natural occurring vegetation. All other material is prohibited except what paper is necessary to ignite the burning process. Persons conducting a campfire may use commercial artificial logs generally designed for campfires.

1102.3.4 Time and atmospheric restrictions. Open burning shall only be performed when time and atmospheric conditions comply with the limits set forth in the County's open-burning permit. Further, no open burning shall be performed during periods of discontinuance by the Building Official, as below discussed, by virtue of any other state agency or regional air quality authority permit or approval system, even if performed at such times and during atmospheric conditions which comply with the limits set forth in that other system, except where such permit or approval system expressly preempts local Building Official authority regarding discontinuance.

1102.3.4.1 Burn periods and sizes. Outdoor burning regulated by a permit system shall require that only vegetation piles with outside dimensions no greater than twenty feet by twenty feet by twelve feet high shall be allowed during the period from October 16th through June 30th. No fires shall be allowed between the period of July 1st and October 15th, except by a permit system, which shall include a 48-hour expiration on permits, the requirement of day-to-day monitoring of public announcements or postings by the Building Official on open burning restrictions, and that fires during this period shall be limited to vegetation piles with outside dimensions of no greater than twelve feet by twelve feet by eight feet high.

1102.3.4.2 Restrictions on burn periods. No open burning shall be done during the declared period of impaired air quality or during a discontinuance of open burning ("burn ban") by the County Building Official. Burning conditions shall be obtained

each day before starting to burn. Phone number will be provided on the permit or can be obtained from the County Building Official. Burning shall be conducted only during daylight hours and only one pile may be burned at a time and it must be extinguished before starting another.

1102.3.5 Location. Open burning shall not be conducted within 50 feet (15,240 mm) of any structure or other combustible material. Conditions which could cause the fire to spread to within 50 feet (15,240) of a structure shall be eliminated prior to ignition.

EXCEPTION: Clearance from Structures and other combustible material is allowed to be reduced as follows:

1. Not less than twenty feet when using an approved burning appliance, in compliance with WAC 173-245-060(5)(c)(xi);
2. Not less than twenty-five feet for piles sizes four feet by four feet or less;
3. Not less than fifty feet for pile sizes greater than four feet by four feet.
4. No fires are permitted in or within five hundred feet of forest slash without first obtaining a written permit under the rules of large fire permits.

1102.3.6 Fire-extinguishing equipment. A garden hose connected to a water supply and other approved fire-extinguishing equipment, such as shovel, shall be readily available for use at open-burning site.

1102.3.7 Attendance. Burning material shall be constantly attended by a person knowledgeable in the use of the fire extinguishing equipment required in Section 1102.3.6 and familiar with the permit limitations, and with County discontinuance or 'burn ban' processes which restrict open burning. An attendant shall supervise the burning material until the fire has been extinguished.

1102.3.8 Discontinuance. The Building Official and the Lewis County Code Compliance Officer are authorized to require that open burning be immediately discontinued if the Building Official or the Lewis County Code Compliance Officer

determines that smoke emissions are offensive to occupants of surrounding property or if the open burning is determined by the Building Official or the Lewis County Code Compliance Officer to constitute a potentially hazardous condition. Lewis County reserves the right under this Section, to the fullest extent of its powers and as permitted by statute and the state constitution, to order discontinuance, as below discussed, of any manner of open burning authorized by any other public or private authority, which could threaten persons or property and the public health, safety or general welfare.

1102.3.8.1 Discontinuance order on open-burning. The Building Official is authorized, to the fullest extent of County powers and as permitted by statute and the state constitution, to issue an emergency discontinuance order or 'burn ban' against all outdoor burning, including recreational fires in Section 1102.4, authorized by any public or private authority, if he/she determines that conditions exist which immediately and potentially threaten persons or property and the public health, safety or general welfare. The Building Official shall promptly notify the board of commissioners of said discontinuance order or 'burn ban' and the reasons therefore. The board of commissioners, as soon as practical, shall at a public meeting to determine whether to extend the discontinuance order or 'burn ban' for an indefinite period. If extended, the discontinuance order or 'burn ban' would remain in effect until the board of county commissioners resolve that the order be lifted. The Building Official shall be responsible for public announcements or postings for both 'burn ban' and resumption on open-burning.

1102.3.8.2 Enforcement. For purposes of Section 103.4, the Building Official and the Lewis County Code Compliance Officer shall be responsible for enforcement of Section 1102 and issue notices of

violation to the person(s) responsible for the fire as set forth in Section 1102.3.8.3. During discontinuance orders issued under Section 1102.3.8.1, the Building Officer (or his designee), the Lewis County Code Compliance Officer or the Lewis County Sheriff the may issue notices of violation for any open fire ignited in violation of Section 1102 to the person(s) responsible for the fire as set forth in Section 1102.3.8.3.

1102.3.8.3 Penalties. A violation of Section 1102 may subject a person to a civil enforcement under Section 1.20.040 of the Lewis County Code, to criminal citation under the penalties proscribed in RCW 70.94.430(1), and as to any other remedy authorized in Ch. 70.94 RCW. If a fire protection authority is called to respond to, control or extinguish an illegal or out-of-control fire, such fire control authority may charge and recover from the person responsible for the fire the costs of its response and control action. Any person violating this Section will also be responsible civilly for any damage or injury caused to persons or property.

1102.4 Recreational Fires.

1102.4.1 General. Recreational fires shall be in accordance with Section 1102.4. See also chapter 173-425 WAC. The Lewis County Building Official shall regulate, where applicable, recreational fires, and shall adopt and enforce rules and procedures under the provisions of Sections 101 to 105 of the Uniform Fire Code whereby such regulation will be conducted.

1102.4.2 Location. Recreational fires (including campfires) shall not be conducted within 25 feet (7620 mm) of a structure or combustible material unless contained in a barbeque or fire pit compliant with Section 1102.5.2.1. Conditions which could cause a fire to spread to within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition.

1102.4.3 Fire-extinguishing equipment. Buckets, shovels, garden

hoses or a fire extinguisher with a minimum 4-A rating shall be readily available for use at recreational fires.

1102.4.4 Attendance. Burning material shall be constantly attended by a person knowledgeable in the use of the fire extinguishing equipment required in Section 1102.3.6 and familiar with the County discontinuance or 'burn ban' processes which restrict open burning. An attendant shall supervise the recreational fire until the fire has been extinguished.

1102.4.5 Discontinuance. The Building Official and the Lewis County Code Compliance Officer are authorized to require that recreational fires be immediately discontinued if such recreational fires are determined by the Building Official or the Lewis County Code Compliance Officer to constitute a potentially hazardous condition. Lewis County reserves the right under this Section, to the fullest extent of its powers and as permitted by statute and the state constitution, to order discontinuance, as below discussed, of any manner of recreational fires authorized by any other public or private authority, which could threaten persons or property and the public health, safety or general welfare.

(d) Uniform Plumbing Code, 1997 Edition, published by the International Association of Plumbing and Mechanical Officials is hereby adopted by reference as set forth in Chapter 51-46 and 51-47 WAC, respectively; provided, that Chapters 11 and 12 of this code are not adopted; provided further, that those requirements of the Uniform Plumbing Code relating to venting of appliances as found in Chapter 5 and those portions of the Code addressing building sewers are not adopted.

(e) The 1997 Washington State Energy Code as contained in Chapter 51-11 WAC.

(f) The 1997 Washington State Ventilation and Indoor Air Quality Code, as set forth in Chapter 51-13 WAC.

(g) Washington State Historic Building Code, as set forth in Chapter 51-19 WAC.

(h) Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, published by the International Conference of Building Officials, with the following additions and amendments, is hereby adopted by reference:

501.1. Form of Appeal Any person entitled to service under Section 401.3 may appeal from any notice and order or any action of the building official under this code by paying a \$100.00 filing fee and by filing at the office of the building official a written appeal containing:

1. A heading in the words: "Before the board of appeals of Lewis County"
2. A caption reading: "Appeal of", giving the names of all appellants participating in the appeal.
3. A brief statement setting forth the legal interest of each of the appellants in the building or the land involved in the notice and order.
4. A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellant.
5. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside.
6. The signatures of all parties named as appellants and their official mailing addresses.
7. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

The appeal shall be filed within 30 days from the date of the service of such order or action of the building official; provided, however, that if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered

vacated and is posted in accordance with Section 404, such appeal shall be filed within 10 days from the date of the service of the notice and order of the building official

SECTION 909 – REPORT TO ASSESSOR AND TAX COLLECTOR: ADDITION OF ASSESSMENT TO TAX BILL

After confirmation of the report, certified copies of the assessment shall be given to the Lewis County Treasurer who shall add the amount of the total assessment or the authorized annual installment of the next regular tax statement levied against the parcel.

SECTION 910 – FILING COPY OF REPORT WITH COUNTY AUDITOR

The building official shall file a certified copy of the assessment with the County Auditor. The descriptions of the parcels reported shall be those used for the same parcels on the County Assessor's map books for the current year

SECTION 911 – COLLECTION OF ASSESSMENT: PENALTIES FOR FORECLOSURE

The amount of the assessment shall be collected at the same time and in the same manner and with interest at such rates as property taxes are collected as provided in RCW 84.56, as now or hereafter amended, and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for property taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

If the legislative body of this jurisdiction has determined that the assessment shall be paid in installments, the body may refer the assessment to the Treasurer for accounting. The Treasurer shall annually certify delinquent installment accounts, and any interest thereon, for collection according to the manner property taxes are collected.

(2) In case of conflict among the codes enumerated in subsections (1)(a), (b), (c), (d), and (e) of this section, the first named code shall govern over those following; provided, in the case of conflict between the

duct insulation requirements of the Washington State Energy Code and the duct insulation requirements of the Uniform Mechanical Code, the provisions of the energy code shall govern.

(3) In the case of conflict between the ventilation requirements of the Uniform Mechanical Code, the Uniform Building Code and the Washington State Ventilation and Indoor Air Quality Code, the provisions of the Washington State Ventilation and Indoor Air Quality code shall govern.

(4) In case of conflict between the Uniform Plumbing Code and Lewis County health board regulations with respect to the installation, maintenance or repair of septic tank systems, the more restrictive provision shall control. [Ord 1180 §§2-5, 2003; Ord. 1146C §1, 2003; Ord. 1146B §1, 2002; *Res. 99-515, 1999, Ord. 1146A §1, 1998; Ord. 1157, 1998; Ord. 1146 § 2, 1995]

15.05.030 Definition of terms.

(1) Whenever any of the following names or terms are used in the Uniform Building Code or in the Uniform Mechanical Code, each such name or term shall be deemed or construed to have the meaning ascribed to it in this section as follows:

(a) "Building department" shall mean the department of community development, building section.

(b) "Building official" shall mean the officer or other designated authority charged with the administration and enforcement of this code, or his duly authorized representative.

(c) "City" or "municipality" shall mean the county of Lewis.

(d) "City council" shall mean the board of commissioners of Lewis County.

(e) "City treasury" shall mean the Lewis County treasury.

(f) "Mayor" shall mean the board of commissioners of Lewis County.

(2) Whenever any of the following names or terms are used in the Uniform Plumbing Code, each such name or term shall be deemed and construed to have the meaning ascribed to it in this section as follows:

(a) "Administrative authority" shall mean the Lewis County building official or his duly authorized representative.

(b) "Assistant" shall mean the designated employee(s) of the department of community development, building section, assigned to the area of administration and enforcement of the plumbing code.

(3) Whenever any of the following names or terms are used in the Uniform Fire Code, each such name or term shall be deemed and construed to have the meaning ascribed to it in this section as follows:

(a) "Administrator" shall mean the board of commissioners of Lewis County.

(b) "Bureau of fire prevention" shall mean a section of the building section, community development department.

(c) "City" or "municipality" shall mean the county of Lewis and, when consistent, the particular fire protection district within the unincorporated area of Lewis County.

(d) "Fire chief" shall mean the Lewis County building official and when consistent shall mean the chief of the applicable fire protection district, which named person is not a county officer.

(e) "Fire marshal" or "fire protection engineer" shall be deemed to mean the employee(s) of the department of community development, building section, dealing with the duties incident to the enforcement and administration of the fire code.

(f) "Fire department" shall mean the department community development, building section, and when consistent shall equally mean fire protection district, which district is not a county office.

(g) "Police department" shall mean the Lewis County sheriff's department.

(h) "Chief of police" shall mean the Lewis County sheriff.

(i) "Building department" shall mean the Lewis County community development department, building section. [*Res. 99-515, 1999, Ord. 1157, 1998; Ord. 1146 § 3, 1995]

15.05.040 Administration and procedures.

The administrative authority shall be the Lewis County building official.

(1) Filing and Copies. The original of all permits shall be filed and maintained by the department of community development and said office shall cause a copy of said permit to be filed with the Lewis County assessor.

(2) Fees Deposited. All fees for application and issuance of a permit shall be paid to the Lewis County department of community development, and shall be deposited regularly with the Lewis County treasurer and credited to said department. [*Res. 99-515, 1999, Ord. 1146A §2, 1998; Ord. 1157, 1998; Ord. 1146 § 4, 1995]

15.05.050 Board of appeals.

Section 105 of the Uniform Building Code, Section 110 of the Uniform Mechanical Code, Section 103.1.4 of the Uniform Fire Code, and the Uniform Plumbing Code referenced in WAC 51-46-0102 and creating Section 102.4, thereto, are each amended to read:

In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of this code, there shall be and is hereby created a board of appeals consisting of three members who are qualified by experience and training to pass upon matters pertaining to the State Building Code. The members shall be named by the governing body and the board convened at such time as is necessary to address applications for

hearing. The building official shall be an ex officio member and shall act as secretary of the board. The board may adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

[Ord. 1146A §3, 1998; Ord. 1157, 1998; Ord. 1146 § 5, 1995]

15.05.060 Application for permit.

(1) Section 106.3.1.6 of the Uniform Building Code and Section 113.1.5 of the Uniform Mechanical Code are each amended to read:

Be signed by permittee, or his authorized agent, who may be required to submit evidence to indicate such authority and who shall certify that the proposed work shall conform to the requirements of this code and all other pertinent laws and ordinances.

(2) Section 106.3.1.7 of the Uniform Building Code is amended to read:

A fully completed building permit application will include the following:

1. A legal description or tax parcel number; a legally assigned project street address; property owner's name, address and phone number; prime contractor's business name, address and phone number and contractor registration number. For commercial work, either the interim construction loan lender name, address and phone number or the firm holding the payment bond name and address (RCW 19.27.095) must be shown;
2. Verification that a contractor's registration is current.

(3) Section 103.2* of the Uniform Plumbing Code is amended to read:

Any person legally entitled to apply for and receive a permit shall make such application on forms provided for that purpose. They shall give a description

of the character of the work proposed to be done, and the location, ownership, occupancy and use of the premises in connection therewith and shall certify that the proposed work shall conform to the requirements of the code. The administrative authority may require plans, specifications or drawings and such other information as may be deemed necessary.

If the administrative authority finds no evidence that the plans, specifications, drawings, descriptions or information furnished by the applicant fail to comply with this code, the permit applied for shall be issued upon payment of the required fee(s) as hereinafter fixed.

[Ord. 1157, 1998; Ord. 1146 § 6, 1995]

*[Codifier's Note: the original text contained a scrivener's error identifying the Code section as 20.6]

15.05.070 Permit issuance.

(1) The first paragraph of Section 106.4.1 of the Uniform Building Code and Section 114.1 of the Uniform Mechanical Code are each amended to read:

The application, plans and specifications and other data, filed by an applicant for permit shall be reviewed by the building official. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the building official finds no evidence that the work described fails to conform to the requirements of this code and other pertinent laws and ordinances, and finds that the fees specified in Section 107 have been paid, a permit shall be issued therefor to the applicant.

(2) Section 106.4.4 of the Uniform Building Code, Section 114.4.1 of the Uniform Mechanical Code and Section 30.3(d) of the Uniform Plumbing Code are each amended to read:

For good cause shown, a permittee with an active permit may be granted

up to two successive six-month extensions for time of action required under this section. In no event, however, shall such extensions for time of action extend beyond 12 months of the original date of action required under this section.

(3) Every permit issued by the building official in accordance with the Uniform Fire Code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans or specifications, and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee. Any permittee holding an unexpired permit may apply for an extension of time within which work may be commenced under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. For good cause shown, a permittee with an active permit may be granted up to two successive six-month extensions for time of action required under this section. In no event, however, shall such extensions for time of action extend beyond 12 months of the original date of action required under this section. [Ord. 1146 §4, 1998; Ord. 1157, 1998; Ord. 1146 § 7, 1995]

15.05.080 Fees.

The fees for this chapter are set forth in LCC 18.05.030. [Ord. 1157, 1998; Ord. 1146 § 8, 1995]

15.05.090 Fire prevention bureau.

Section 103.2.2.1 of the Uniform Fire Code is amended to read as follows:

A fire prevention bureau is established within the department of community development, building division, which shall consist of such building division personnel as may be assigned thereto by the building official. The function of this bureau shall be to assist the board of county commissioners in the administration and enforcement of the Uniform Fire Code.

[*Res. 99-515, 1999, Ord. 1146A § 5, 1998; Ord. 1157, 1998; Ord. 1146 § 9, 1995]

15.05.100 Exceptions.

(1) To the extent noted the following buildings shall be exempt from the requirements of the Uniform Building Code:

(a) Manufactured buildings whose construction is regulated for compliance to approved construction standards by federal or state agencies need not also comply with the construction requirements of this code, except that the foundation and placement of the building will come under the requirements of this code or Chapter 15.25 LCC, if applicable.

(b) Minor construction and alteration activities to Group R, Division 3 and Group U, Division 1 Occupancies, as determined by the building official, to the satisfaction of the building official, which do not exceed \$1,500 in any 12-month period; provided, that the construction and/or alteration activity does not affect any structural components, or reduce existing egress, light, air, and ventilation conditions. This exemption does not include electrical, plumbing, or mechanical activities. The permit exemption shall not otherwise exempt the construction or alteration from the substantive standards of the codes enumerated in RCW 19.27.031, as amended and maintained by the State Building Code Council under RCW 19.27.074.

(2) The Uniform Building Code Section 1806.2 is amended to add:

(a) Post and pier type foundations are limited to single story, wood-framed buildings not exceeding 600 square feet in floor area.

(b) Exception. Engineered post and pier foundations bearing the stamp of a Washington licensed structural engineer or architect.

[Ord. 1157, 1998; Ord. 1146 § 10, 1995]

15.05.110 Penalties

Add a new section to the Uniform Fire Code, and amend Section 103 of the Uniform Building Code, section 111.1 of the Uniform Mechanical Code, and section 102.3 of the Uniform Plumbing Code Section to read as follows:

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the county of Lewis, or cause the same to be done, contrary to or in violation of any of the provisions of this chapter. Violations of this chapter shall constitute a civil violation subject to monetary penalty, as below stated, under RCW 36.32.120(7), and each such person shall be deemed punishable for a separate violation for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted.

(a) Violations as a Public Nuisance. The following are hereby declared to be a public nuisance:

(1) Any building or structure hereafter set up, erected, built, moved, maintained, constructed, enlarged, altered, repaired, improved, removed, converted, demolished, equipped, used, occupied, or maintained contrary to the provisions of this chapter;

(2) Any grading, excavating, or filling operation, contrary to provisions of Chapter 18 of the Uniform Building Code;

(3) Any work done or action taken or product thereof which is contrary to this chapter;

(4) Unsafe buildings or structures as defined in Section 102 of the Uniform Building Code.

For purposes of abatement actions, any person, firm or corporation violating the provisions of this chapter shall be liable for all costs of such proceedings, including reasonable attorney's fees and expense of abatement. The building official shall take steps to abate public nuisances as defined herein. The prosecuting attorney may commence an action or actions, proceeding or proceedings for the abatement, removal or enjoinder of public nuisances as defined herein. The power hereby granted to abate a public nuisance shall be construed broadly.

(b) Civil Penalty. In addition to, or as an alternative to, any other penalty provided herein or by law, any person, firm, or corporation which violates the provisions of this chapter, or violates the provisions of the Uniform Codes adopted by reference by this chapter, shall be subject to citation and civil monetary penalties as follows:

(1) Violations, Investigations, Evidence.

a. The building official may investigate alleged or apparent violations of the provisions of this chapter, or the provisions of the Uniform Codes adopted by reference by this chapter. In the performance of that investigation, the building official may enter upon any land and make examinations and surveys, provided that such entries, examinations and surveys do not damage or interfere with the use of the land by those persons lawfully entitled to the possession thereof.

b. Upon request of the building official, the person alleged or

apparently in violation of this ordinance shall provide information identifying themselves.

c. Willful refusal to provide information identifying a person as required by this section is a misdemeanor.

(2) Notice of Infraction Service. Whenever the building official determines that a violation has occurred, or is occurring, he/she may pursue reasonable attempts to secure voluntary corrections, failing which he/she may issue a notice of infraction. The building official may issue a notice of infraction if the provisions of the ordinance have been violated in the official's presence. A notice of infraction may be served either by:

a. The building official serving the notice of infraction on the person named in the notice of infraction at the time of issuance; or

b. The building official filing the notice of infraction with the court, in which case the court shall have the notice served either personally or by mail, postage prepaid, on the person named in the notice of infraction at his/her address.

(3) Notice of Infraction - Forum - Contents. The notice of infraction shall contain the following statements:

a. The building official has determined that the infraction has been committed by the person named in the notice and that the determination is final unless contested, as provided in this ordinance;

b. The infraction is a non-criminal offense, not punishable by imprisonment;

c. The specific violation which the person is alleged to have committed and the accompanying statutory citation, the date and place of the infraction, the date the notice was issued, and the building official;

d. The monetary penalties established for each infraction;

e. The options and corresponding procedures provided in this ordinance for responding to the notice;

f. That at any hearing to contest the determination that the County has the burden of providing by a preponderance of the evidence, that the infraction was committed; and that the person may subpoena witnesses, including the building official who issued and served the notice of infraction;

g. That at a hearing for mitigating the infraction, the person will only have the opportunity to explain the circumstances of the infraction and may not contest that the person committed an infraction;

h. A promise requiring the person's signature that the person will respond to the notice of infraction in one of the ways provided in this chapter and within the time required;

i. That refusal to sign and respond to the infraction is a misdemeanor and may be punished by a fine and/or imprisonment in jail.

j. That each day the violation continues, may be considered a separate violation;

k. The failure to mail a response, within 15 days of the date of the notice, or eighteen (18) days from the date mailed if service is by mail, forfeits the person's right to contest the infraction at a hearing; and

l. The name, address, and telephone number of the District Court Clerk.

(4) Notice of Infraction Filing Hearing in District Court. The building official shall file a notice of infraction in District Court within forty-eight hours of issuance, excluding Saturdays, Sundays, and holidays. Lewis County District Court shall have jurisdiction to hear and determine these matters.

(5) Notice of Infraction Determination Infraction Committed. Unless contested in accordance with this ordinance, the notice of infraction represents a determination that the person to whom the notice was

issued committed the infraction. A notice shall not be insufficient for failure to give a definite statement of the essential facts of an infraction or any other defects that do not prejudice the substantial rights of the defendant.

(6) Notice of Infraction – Response - Requesting a Hearing - Failure to Respond or Appear - Order to Set Aside.

a. A person who receives a notice of infraction shall respond to the notice, either by mail or in person, within fifteen (15) days of the date the notice was served, or eighteen days (18) from date mailed if service is by mail. Mailed responses must be postmarked on or before midnight of the 15th day. The person named in the notice of infraction may respond to the infraction by:

(i) Paying the appropriate monetary penalty, completing the appropriate portion of the notice of infraction and submitting it to the court specified on the notice. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When such a response is received, the court shall enter and record a judgment that the person committed the infraction. A record of the response order shall be furnished to the appropriate department(s).

(ii) Completing the portion of the notice of civil infraction requesting a mitigation hearing and submitting it to the District Court. Within fourteen (14) days, the court shall notify the person in writing of the time, place, and date of the hearing. That date shall not be earlier than fourteen (14) days, nor more than one hundred and twenty (120) days from the date of the notice of the hearing, except by agreement.

(iii) Completing the portion of the notice of infraction requesting a hearing to contest the infraction and submitting it to the District Court. Within fourteen (14) days, the court shall notify the person in writing of

the time, place, and date of the hearing. That date shall not be earlier than fourteen (14) days, nor more than one-hundred and twenty (120) days from the date of the notice of the hearing, except by agreement. A notice issued by the District Court shall also advise the person requesting a hearing of the person's right to subpoena witnesses and that failure to either appear at a hearing or pay the penalty may be a crime for which the person may be arrested and may prevent the person from obtaining any County permits.

b. If a person served with an infraction:

(i) Fails to respond to the notice of civil infraction as provided above in subsection (9)(a) of this section; or

(ii) Fails to appear at a hearing requested pursuant to either subsection (9)(a)(ii) or (9)(a)(iii) of this section; then the court shall enter a default judgment assessing the monetary penalty prescribed for the civil infraction, and may notify the prosecuting attorney of the failure to respond to the notice of civil infraction or to appear at a requested hearing.

(7) Notice of Failure to Sign, Appear, or Satisfy Penalty.

a. A person who fails to sign a notice of civil infraction is guilty of a misdemeanor.

b. Any person willfully violating his/her written and signed promise to respond to a notice of civil infraction is guilty of a misdemeanor regardless of the disposition of the notice of civil infraction; however, appearance of counsel shall satisfy the person's obligation to respond.

c. A person who willfully fails to pay a monetary penalty as required by a court under this chapter may be found in civil contempt of court after notice and hearing.

(8) Representation by Attorney.

a. A person subject to proceedings under this ordinance may appear or be represented by counsel.

b. The Prosecuting Attorney representing the County may, but need not, appear in any proceedings under this ordinance, notwithstanding any statute or court rule to the contrary.

(9) Infraction Hearing Procedure - Burden of Proof - Order Appeal.

a. A hearing held to contest the determination that an infraction has been committed shall be without a jury.

b. The court may consider the notice of infraction and any sworn statements submitted by the building representative who issued and served the notice in lieu of his/her personal appearance at the hearing. The person named in the notice may subpoena witnesses, including the building official who has issued and served the notice, and has the right to present evidence and examine witnesses present in court. Upon demand, the County shall provide the person with a list of witnesses and the building official's sworn statement. Subpoenas and discovery demands shall conform to Rule 3.1(a) and (b) of the Infraction Rules of Courts of Limited Jurisdiction, as hereafter amended.

c. The burden of proof is on the County to establish the commission of the infraction by a preponderance of evidence.

d. After consideration of the evidence and argument, the Court shall determine whether the infraction was committed. If it has not been established that the infraction was committed, an order dismissing the notice shall be entered in the Court's records. If it has been established that a civil infraction has been committed, an appropriate order shall be entered in the Court's records.

e. An appeal from the Court's determination to order shall be to the Superior Court in the manner provided by the Rules for Appeal of Decisions of Court of Limited Jurisdiction.

(10) Explanation of Mitigating Circumstances.

a. A hearing for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of an infraction shall be an informal proceeding. The person may present witnesses, but may not subpoena witnesses. The determination that a civil infraction has been committed may not be contested at a hearing held for the purpose of explaining mitigating circumstances. A person may be represented by a lawyer at a mitigation hearing.

b. After the Court has heard the explanation of the circumstances surrounding the commission of the civil infraction, an appropriate order shall be entered in the Court's record.

c. There shall be no appeal from the Court's determination or order under this section.

(11) Monetary Penalties - Restitution.

a. A person found to have committed a civil infraction shall be assessed a monetary penalty. All violations of this title shall be denominated Class 2 Civil Infractions under 7.80 RCW, unless otherwise specified in the particular Lewis County code chapter violated. The maximum penalty and default amount for a Class 2 Civil Infraction shall be one hundred twenty-five (\$125.00), not including statutory assessments.

b. A court shall assess a Class 1 monetary penalty under 7.80 RCW for the second and each succeeding violation of the same ordinance that a person commits within 12 months. The maximum penalty and default amount for a Class 1 civil infraction shall be (\$250.00), not including statutory assessments.

c. Whenever a Court imposes a monetary penalty under this ordinance it is immediately payable. If the person is unable to pay at the time, the Court may grant an extension of the period of time in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the Court

may proceed to collect the penalty in the same manner as other civil judgments and may notify the prosecuting attorney of the failure to pay. The Court shall notify the appropriate county department(s) of the failure to pay the penalty, and the department(s) shall not issue the person any future permits for any work until the monetary penalty has been paid.

d. The Court may also impose attorney fees and/or order a person found to have committed a civil infraction to make restitution, including the county's enforcement costs. If restitution is ordered, the court shall set a minimum monthly payment that the person is required to make towards restitution. The court should take into consideration the total amount of the restitution owed, the offender's future ability to pay, as well as any assets that the offender may have.

(12) Court Order is Civil - Modification of Penalty.

a. An order entered pursuant to this ordinance is civil in nature.

b. The Court may waive, reduce, or suspend the monetary penalty prescribed for the civil infraction.

(13) Costs and Attorney's Fees. Each party in a civil infraction case is responsible for court costs incurred by that party, but the Court may assess witness fees against a non-prevailing respondent. Attorney fees may be awarded to either party in a civil infraction case."

[Ord. 1180 §25, 2002; Ord. 1146A §6, 1998; Ord. 1157, 1998; Ord. 1146 § 11, 1995]

15.05.120 Disclaimer of liability.

Lewis County is not responsible for the accuracy of plans (preliminary or final) submitted for review and does not guarantee that the plan reviews and/or inspections will detect all hazards, design defects or code violations. [Ord. 1157, 1998; Ord. 1146 § 12, 1995]

15.05.130 Code amendments and clarifications.

(Reserved for further code amendments and clarifications to codes adopted pursuant to LCC 1.05.020). [Ord. 1157, 1998]

Chapter 15.15

BUILDING SETBACK REGULATIONS

Sections:

- 15.15.010 Name and purpose.
- 15.15.020 Definitions.
- 15.15.030 Applicability.
- 15.15.040 Setback.
- 15.15.050 Variance.
- 15.15.060 Notice and penalties.
- 15.15.070 Fees.

15.15.010 Name and purpose.

(1) Name. This chapter shall be known as the Lewis County road right-of-way setback chapter.

(2) Purpose. The purpose of this chapter shall be to establish standard setbacks for buildings along Lewis County road rights-of-way, to promote the safety, health, welfare, comfort, and well-being of the residents of Lewis County, and to provide for notice to prospective builders along county road rights-of-way of appropriate setbacks. [Ord. 1157, 1998; Ord 1043 Art. I, 1975]

15.15.020 Definitions.

(1) "Board" means the Lewis County board of commissioners.

(2) "Building section" means the Lewis County community development division, building section.

(3) "Building" means all residential buildings, attendant outbuildings, or commercial/industrial structures which are intended for use as housing for human beings, animals, or carrying on any commercial/industrial enterprise; provided such term shall not mean any fence, sign, or any similar structure.

(4) "County" means Lewis County, a political subdivision of the state of Washington.

(5) "Right-of-way" means a Lewis County road right-of-way, either existing, or

to be dedicated as part of a future subdivision of land.

(6) "Setback" means the minimum distance between any portion of any building and a right-of-way boundary or centerline as hereinafter described. [Ord. 1157, 1998; Ord 1043 Art. II, 1975]

15.15.030 Applicability.

(1) Applicability. Provisions of this chapter shall apply to all construction commenced upon or after the effective date of the ordinance codified in this chapter of any residential building, attendant outbuilding, or commercial/industrial structure upon any parcel of real estate bounded on any one or more sides by any one or more county road rights-of-way, or rights-of-way to be dedicated in the future to the county within a platted area.

(2) Requirements Maintained. Nothing in this chapter shall have the effect of waiving any of the requirements Chapter 5 of the Uniform Building Code, and pursuant to Ch. 15.05 LCC pertaining to "allowable area increases". [Ord. 1157, 1998; Ord 1043 Amendment 2, 1984; Ord 1043 Art. III, 1975]

15.15.040 Setback.

(1) Minimum Setback, 60-Foot Right-of-Way. Minimum building setback from any county road right-of-way, 60 feet in width or less, shall be 55 feet from the right-of-way centerline, as established by the records of the Lewis County engineer.

(2) Minimum Setback, Greater than 60-Foot Right-of-Way. The minimum building setback from any county road right-of-way greater than 60 feet in width shall be 25 feet from the near edge of the road right-of-way as established by the records of the Lewis County engineer.

(3) Setbacks Not Bounded by Rights-of-Way. All setbacks for buildings not bounded by or related to county road rights-of-way

shall be determined from and controlled by Table No.

5-A of the Uniform Building Code and pursuant to Ch. 15.05 LCC.

(4) Reduced Setback Permits. Where topography or other considerations make desired setbacks from county road rights-of-way less than the minimum provided by subsections (1) and (2) of this section, the owner of the subject land may apply to the County Engineer and the public works division for a reduced setback permit permitting a reduction of setbacks to the distance specified on the permit which distance shall be no less than a minimum of 35 feet from the centerline of the right-of-way, or if the road right-of-way is greater than 60 feet in width then no less than a minimum of five feet from the right-of-way line. Such permit may be issued by the public works department, after review by the public works division review board consisting of the public services director, assistant county engineer and the building official, when:

(a) The owner has agreed to locate and develop access in the manner specified on the permit which access shall be so designed that backing of vehicles into or from the road section of the right-of-way will not be involved; and

(b) The access is so located that if the existing or indicated sight distance is less than the sight distance recommended by the edition of the Design Manual of the Washington State Department of Transportation current on the date of application that the impaired sight distance is not further reduced by the reduced setback; and

(c) The owner agrees not to request any further approach permits in any location inconsistent with the restrictions imposed by subsection (b) above; and

(d) The reduced setbacks will not interfere with existing alignments or indicated realignments of the county road

including changes in curves and slopes for cuts and fills. As used herein indicated sight distances and indicated realignments are determined based upon conformance of the existing road in the vicinity of the land affected by the application to adopted county standards for county roads.

(5) Appeal. Any person dissatisfied with the decision of the public works division in its consideration of the application for reduced setback permit may appeal such decision to the Lewis County Hearing Examiner pursuant to Chapter 2.25 LCC. [Ord. 1157, 1998; Ord 1043 Amendment 2, 1984; Ord 1043 Art. IV, 1975]

15.15.050 Variance.

(1) Application. Any person to whom this chapter would otherwise apply may make application for variance upon forms to be provided by the building section. Any such application shall succinctly state the grounds upon which variance is sought and shall be submitted to the Lewis County Hearing Examiner pursuant to Chapter 2.25 LCC, for purposes of a substantive, public hearing.

(2) Hearing. At any hearing on application for variance to this chapter, the Hearing Examiner shall hear and take testimony and evidence of each and every kind relevant to the issues whether application of this chapter would occasion undue, practical difficulties for the applicant, and would not be detrimental to the health, safety and welfare of Lewis County and its residents. Safety of land or building users, traveling public, parcel size, shape, topography, use, vehicular entrances and exits, present and reasonably foreseeable future widths of right-of-way, road site distance, reasonably foreseeable future road improvements or changes, loss of right to use subject land, shall be items considered at any hearing.

(3) Finding. If at hearing on application for variance to this chapter the Hearing

Examiner shall find that application of the normal setback herein contained would cause undue and practical difficulties to the applicant and the granting of the variance would not be detrimental to the health, safety and welfare of Lewis County and its residents, the Hearing Examiner shall have authority to grant such variance upon such conditions as shall be deemed necessary and proper to preserve harmony with the general purpose and intent of this chapter. [Ord. 1157, 1998; Ord 1043 Amendment 1, 1979; Ord. 1043 Art. V, 1975]

15.15.060 Notice and penalties.

(1) Notice to Builders. At the time any building permit application is submitted to the building section, the applicant shall be given written notice of the applicable setback requirements for his proposed structure, as the same are related to county road rights-of-way bounding the real estate whereupon such structure is to be situated.

(2) Penalties. Any person who shall on or after the effective date of the ordinance codified in this chapter construct, erect, build, or commence construction, erection, or building, of any structure in violation of any setback established hereby, relative to county rights-of-way, shall be subject to the penalties in LCC 1.20.020 and LCC 1.20.040. [Ord. 1180 §19, 2002; Ord. 1157, 1998; Ord 1043 Art. VI, 1975]

15.15.0730 Fees.

The fees for this chapter, except as otherwise referenced, are set forth in LCC 18.05.035. [Ord. 1158, 1998].

Chapter 15.25

MOBILE HOMES AND COMMERCIAL COACHES

Sections:

- 15.25.010 Mobile home installation requirements.
- 15.25.020 Definitions.
- 15.25.030 Permits.
- 15.25.040 Transferability.
- 15.25.050 Fees.
- 15.25.060 Placement requirements.
- 15.25.070 Inspections.
- 15.25.080 Occupancy restrictions.
- 15.25.090 Accessory buildings.
- 15.25.100 Legal nonconforming status.
- 15.25.110 Violations - Penalties.
- 15.25.120 Disclaimer of liability.

15.25.010 Mobile home installation requirements.

The Department of Labor and Industries mobile home installation requirements contained in WAC 296-150B-200 through 296-150B-255 as now or hereafter amended are hereby adopted by reference as though completely set forth herein and the following regulations, requirements, and fees for location of mobile homes in the unincorporated areas of Lewis County are hereby enacted. The] anchoring system provisions of WAC 296-150B-250 and/or the manufacturer's installation instructions shall apply to all mobile homes moved into or within Lewis County. [Ord. 1157, 1998; Ord 1126 § 1, 1992].

15.25.020 Definitions.

(1) "Mobile home" means a detached single-family dwelling unit used and/or designed for year-round occupancy, containing plumbing, heating, and electrical conveniences similar to that of on-site built housing, designed to be transported after fabrication on its own wheels or by other means, more than 32 feet in length, and

having affixed to it an inspection seal of the Washington State Department of Labor and Industries.

(2) "Mobile home park" means a mobile home park as defined in Chapter 15.30 LCC as now or hereafter amended.

(3) "Mobile home subdivision" means any tract of land platted in accordance with the platting and subdivision regulations of the state of Washington and Lewis County in which each parcel or lot is designed or intended to be owned fee simple by a permanent mobile home occupant.

(4) "Recreational vehicle" means a motorhome, travel trailer, truck camper or camping trailer with or without motive power, designed for human habitation for recreational or emergency occupancy, with a living area less than 200 square feet excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms, and of such size and weight as not to require a special highway movement permit.

(5) "Commercial coach" means a manufactured unit constructed and inspected for use as other than a residential occupancy, i.e. business, commercial, industrial, professional or educational use.

(6) "Park trailer" means a park trailer as defined in the American National Standards Institute A119.5 standard for park trailers. [Ord. 1157, 1998; Ord 1126 § 2, 1992]

15.25.030 Permits.

(1) It shall be unlawful for any person, firm, partnership, corporation or other entity to install any mobile home to be used as a residence upon real property in Lewis County without first securing a permit from the Lewis County community development division, building section.

(2) It shall be unlawful for any person, firm, partnership, corporation or other entity to install a mobile home unless he, she or it owns the mobile home, is a licensed mobile

home dealer, or is a contractor registered under Chapter 18.27 RCW.

(3) It shall be unlawful for a dealer to deliver a mobile home to be used as a residence to a site unless it has been verified that the owner or installer has obtained the required permit.

4) The permit becomes null and void if not used within 180 days of issue. [Ord. 1157, 1998; Ord 1126 § 3, 1992]

15.25.040 Transferability.

The mobile home permit herein provided for shall not be transferable from one location to another, but shall be transferable from one person to another at the same location, if used within 180 days. [Ord. 1157, 1998; Ord 1126 § 4, 1992]

15.25.050 Fees.

The fees for this chapter are set forth in LCC 18.05.040. [Ord. 1158, 1998; Ord. 1157, 1998; Ord 1126 § 5, 1992]

15.25.060 Placement requirements.

Each mobile home placed on a parcel of land in Lewis County shall:

(1) Be located on a site in conformance with any applicable requirements of Chapters 15.15 and 15.35 LCC each as now or hereafter amended; and

(2) If adjacent to a county road, have a road approach to subject property approved by the Lewis County engineer; and

(3) Be served by an adequate water supply and a sewage disposal system which comply with the requirements of the Lewis County board of health, and the building section; and

(4) Be supported in the manner provided by the manufacturer's installation instructions and/or WAC 296-150B-200 and 296-150B-225 through 296-150B-235; and

(5) Have an approved foundation facia and underfloor ventilation around its entire perimeter as required by WAC 296-150B-245; and

(6) In conformance with provisions of the Uniform Building Code and Chapter 15.05 LCC, each as now or hereafter amended, have permanent steps and any code-required railings installed at all exterior doors.

[Ord. 1157, 1998; Ord 1126 § 6, 1992]

15.25.070 Inspections.

(1) Each mobile home approved for placement on a parcel in Lewis County shall be subject to the following inspections:

(a) Footings, foundation piers and sewer/water hook-ups before occupancy. Any poured-in-place footings and/or foundations to be inspected before pouring concrete;

(b) Facia and permanent steps within 60 days of occupancy. For good cause shown the building official may extend this time up to an additional 60 days.

(2) The mobile home shall not be occupied without first obtaining the written approval of the building official. Such written approval shall be given only after inspection by the building official. The permit holder or his agent shall notify the building official at least one working day prior to the date requested for inspection.

(3) An inspection decal shall be placed in a conspicuous place on the mobile home by the building official upon approval of the inspections listed in this section. [Ord. 1157, 1998; Ord 1126 § 7, 1992]

15.25.080 Occupancy restrictions.

(1) No mobile home shall be occupied in the unincorporated areas of Lewis County unless placed in accordance with, and pursuant to, a permit issued under this chapter.

(2) A recreational vehicle or park trailer occupied continuously at a given location for more than 60 days shall meet all the requirements for a mobile home under this chapter unless located in a designated mobile home or RV park or being used for

security/temporary housing purposes at a construction site.

(3) All used mobile homes to be located or relocated within Lewis County which do not bear an insignia of inspection approval from the Washington State Department of Labor and Industries, or the U.S. Department of Housing and Urban Development must meet certain life/safety requirements before being moved into or within Lewis County.

(4) An approved technical/fire safety inspection performed by the Washington State Department of Labor and Industries construction compliance section must be submitted as proof that the life/safety requirements have been met. [Ord. 1157, 1998; Ord 1126 § 8, 1992]

15.25.090 Accessory buildings.

(1) Except for those accessory buildings built in-plant and furnished by the mobile home manufacturer and bearing the insignia of approval of the Department of Labor and Industries, all mobile home accessory buildings shall be required to conform with the permit and construction provisions of the Uniform Building Code and Chapter 15.05 LCC as now or hereafter amended by Lewis County.

(2) Mobile homes converted to storage buildings (M occupancies) must have all plumbing removed and all 220 V. wiring/circuits removed. [Ord. 1157, 1998; Ord 1126 § 9, 1992]

15.25.100 Legal nonconforming status.

(1) The occupiers of any nonconforming mobile home legally situated upon real property within Lewis County may continue the use and occupancy existing on the effective date of the ordinance codified in this chapter; provided, that the sanitation requirements of LCC 15.25.060(3) are met within six months of the date of the ordinance codified in this chapter.

(2) If a legal nonconforming mobile home is altered, replaced, or moved then such alteration, replacement or move shall conform to all requirements of this chapter. [Ord. 1157, 1998; Ord 1126 § 10, 1992]

15.25.110 Violations - Penalties.

(1) Criminal Penalty. Any person, firm, partnership, corporation, or other entity violating any of the provisions of this chapter shall be subject to the penalties in LCC 1.20.020.

(2) Violations a Public Nuisance. The following are hereby declared to be unlawful and a public nuisance:

(a) Any mobile home moved, placed, used, occupied, or maintained contrary to the provisions of this chapter;

(b) Any grading, excavating, or filling operation, contrary to provisions of Chapter 29 of the Uniform Building Code;

(c) Any work done or action taken or product thereof which is contrary to this chapter.

The building official shall take steps to abate public nuisances as defined herein. The prosecuting attorney may commence an action or actions, proceeding or proceedings for the abatement, removal or enjoinder of public nuisances as defined herein. The power hereby granted to abate a public nuisance shall be construed broadly.

(3) Cumulative Civil Penalty. In addition to, or as an alternative to, any other penalty provided herein or by law, any person, firm, or corporation which violates the provisions of this chapter or violates the provisions of regulations adopted by reference in this chapter shall incur a cumulative civil penalty as set forth in LCC 1.20.040.

(4) For good cause shown the building official may extend the date set for correction in the notice of violation; provided, that such an extension shall not affect or extend the time within which an administrative appeal must be commenced.

(5) Collection of Civil Penalty. The prosecuting attorney on behalf of the county is authorized to collect the civil penalty by use of appropriate legal remedies, the seeking or granting of which shall neither stay nor terminate the accrual of additional per diem penalties so long as the violation continues.

(6) Compromise, Settlement and Disposition of Suit. The prosecuting attorney are hereby authorized to enter into negotiations with the parties or their legal representatives named in a lawsuit for the collection of civil penalties to negotiate a settlement, compromise or otherwise dispose of a lawsuit when to do so will be in the best interest of the county. [Ord. 1157, 1998; Ord 1126-A, 1994; Ord. 1126 § 11, 1992]

15.25.120 Disclaimer of liability.

Lewis County is not responsible for the accuracy of plans (preliminary or final) submitted for review and does not guarantee that plan reviews and/or inspections will detect all hazards, design defects or code violations. [Ord. 1157, 1998; Ord 1126 § 12, 1992]

Chapter 15.30

MOBILE HOME PARKS

Sections:

- 15.30.010 Purpose.
- 15.30.020 Definitions.
- 15.30.030 Scope.
- 15.30.040 Procedure.
- 15.30.050 Review and penalties.
- 15.30.060 Design standards.
- 15.30.070 Operational inspection.

15.30.010 Purpose.

(1) Title. This chapter shall be known, and shall be cited, as the Lewis County mobile home park binding site plan chapter.

(2) Purpose. The purpose of this chapter is to provide for the approval of mobile home parks other than through the provisions of the Lewis County subdivision resolution and short subdivision ordinance as provided for within RCW 58.17.040. [Ord. 1157, 1998; Ord 1051 Art. I, 1977]

15.30.020 Definitions.

(1) "Board" means the board of Lewis County commissioners.

(2) "Health officer" means the Lewis County board of health, health officer or his authorized representative.

(3) "Mobile home" means a factory-assembled structure or structures equipped with the necessary service connections and made so as to be readily movable as a unit or units on its own running gear and designed to be used as a dwelling unit without a permanent foundation.

(4) "Mobile home park" means a division of land for the purpose of lease when no residential structure other than mobile homes are permitted to be placed upon the land.

(5) "Person" means any person, firm, corporation, partnership, or association, and any agency of state, county, or municipal government, and any agency of the federal

government which is subject to the jurisdiction of the state.

(6) "Recreational vehicle" means a vehicular-type unit, with or without motive power, primarily designed as temporary living quarters for recreational, camping, or travel use and, where applicable, having affixed to it an inspection seal of the Washington State Department of Labor and Industries.

(7) "Site plan" means a drawing to scale which identifies and shows the areas and locations of all streets, roads, improvements, utilities, and any other matter specified by this chapter, and contains the appropriate inscriptions or attachments setting forth such appropriate limitations for the use of the land as are established by Lewis County.

(8) "Mobile home lot" means a portion of a mobile home park designated as the location of one mobile home and its accessory buildings and intended for the exclusive use of the occupants of that mobile home.

(9) "Mobile home stand" means the area of a mobile home lot which is reserved for the placement of a mobile home.

(10) "Occupied area" means the portion of a mobile home lot which is covered by a mobile home and accessory buildings.

(11) "Park street" means a street or road within a mobile home park which connects individual mobile home lots with a public road, street, or highway.

(12) "Mobile home accessory building" means any awning, cabana, ramada, storage structure, carport, fence, windbreak, or porch located on a mobile home lot.

(13) "Community facility" means any building located within a mobile home park which provides toilet, lavatory, bathing, and/or laundry facilities to residents of the mobile home park.

(14) "Recreational facility" means any building, structure, or area located within a mobile home park which is operated for the

purpose of providing recreational activities to residents of the mobile home park.

(15) "Park trailer" means a park trailer as defined in the American National Standards Institute A119.5 standard for park trailers. [Ord. 1157, 1998; Ord 1051 Amendment 1, 1980; Ord. 1051 Art. II, 1977]

15.30.030 Scope.

(1) Applicability. It shall be unlawful for any person to construct, alter, extend, or occupy any mobile home park within Lewis County unless the person has an approved mobile home park binding site plan in the name of such person for the specific construction, alteration, extension, or occupation proposed.

(2) Legal Nonconforming Status. Any mobile home park existing prior to the effective date of the ordinance codified in this chapter which meets the state and local health codes may continue in its present use and occupancy. However, any alteration or addition to such a park shall comply with the requirements of this chapter.

(3) Recreational Vehicles and Park Trailers. A recreational vehicle or park trailer occupied continuously for more than 30 days shall meet all the requirements of a mobile home under this chapter. [Ord. 1157, 1998; Ord 1051 Amendment 2, 1980; Ord. 1051 Art. III, 1977]

15.30.040 Procedure.

(1) Application. A reproducible copy of the site plan shall be submitted to the Lewis County planning department along with any other application forms furnished by said body which shall affix thereto a file number and date of receipt.

(2) Fees. The fees for this chapter are set forth in LCC 18.05.050..

(3) Site Plan Review. Upon receiving an application for site plan approval, the planning department shall submit copies to

the following for their review and comments:

(a) Lewis County board of health by and through the environmental services section;

(b) Lewis County community development division;

(c) District Engineer of the Washington State Department of Transportation when the subject property is adjacent to the rights-of-way of existing or proposed state highways;

(d) The proper city officials when the subject property is within one mile from the corporate limits of any city or town;

(e) Local school district;

(f) Local fire district;

(g) Utility purveyors;

(h) Lewis County planning commission;

(i) Any other agency with interest, expertise, or jurisdiction.

(4) Site Plan - General Requirements. The site plan shall be prepared in a neat, workman-like manner on a sheet of paper or reproducible material of any of the following dimensions: 11 inches by 17 inches, 14 inches by 25 inches, or 18 inches by 24 inches. Such site plans shall contain the following information:

(a) Names of the developer and the mobile home park;

(b) Date;

(c) Scale (not more than 400 feet to the inch);

(d) North arrow;

(e) Designation of the quarter-quarter section, section, township, and range;

(f) The area of the tract of land;

(g) The boundary lines of the tract and their dimensions;

(h) The boundaries and width of all adjacent public and private roads;

(i) Location of all easements;

(j) The number, location, and dimensions of all mobile home lots and stands;

(k) The number, location, and dimensions of all storage areas (including parking lots);

(l) Location and widths of all park streets and walkways;

(m) The method and plan of water supply;

(n) The method and plan of sewage disposal;

(o) The method and plan of surface drainage;

(p) The plans and specifications of all buildings and other improvements constructed or to be constructed in the mobile home park;

(q) The size and location of the recreation area, if provided;

(r) Contours of sufficient interval to show the general topography of the entire tract;

(s) The indication of any portion or portions of the mobile home park for which there will be phased development;

(t) With reference to the alteration or addition of any mobile home park having either (i) legal nonconforming status or (ii) a binding site plan previously approved under this chapter, the site plan shall also include the boundary lines of such previous mobile home park and their dimensions; the location and widths of all park streets there within; and any features lying outside said boundaries upon which any previous approvals were based;

(u) A legal description of all lands within the mobile home park;

(v) A declaration signed by the owner or owners of the land and acknowledged before a notary public which shall include the following statement:

Know all men by these presents: That _____ are the owners of the lands described herein and do hereby declare this mobile home park site plan as binding upon declarants and their heirs and assigns forever.

If the site plan includes a dedication, then the following additional language shall be used:

...and dedicate to the public forever all roads and ways shown hereon with the right to make all necessary slopes for cuts and fills, and the right to continue to drain said roads and ways over and across any mobile home lot or lots, where water might take a natural course, in the original reasonable grading of the roads and ways shown hereon.

Following original reasonable grading of roads and ways herein, no drainage waters on any mobile home lot or lots shall be diverted or blocked from their natural course so as to discharge upon any public road rights-of-way, or to hamper proper road drainage. Any enclosing of drainage waters in culverts or drains or rerouting thereof across any lot as may be undertaken by or for the owner of the mobile home park shall be done by and at the expense of such owner.

(5) Public Hearing - Notice of Public Hearing.

(a) Upon receipt of an application for site plan approval the planning department shall have a date set for a public hearing before the Lewis County Hearing Examiner pursuant to Chapter 2.25 LCC. However, those mobile home parks creating no more than four mobile home lots within any five-year period shall not require a public hearing before the Examiner and may be approved administratively by resolution of the board at a public meeting of the board.

(b) Notice of such hearing shall be given by publication of at least one notice not less than 10 days prior to the hearing in a newspaper of general circulation and shall

include the date, time, and place where such hearing is to be held. Notice shall also be given by mailing said notification to the latest recorded property owners as shown by the records of the county assessor within at least 300 feet of the subject property and/or posting notice of such hearing on said property at least 10 days prior to such hearing.

(6) Action on Application. In evaluating any application, the Hearing Examiner or the board, as applicable, shall consider the site plan application for adequacy of roads, sewage disposal, water supply, fire protection, appropriate provisions for drainage, parks, schools, and other public and private facilities and improvements, and that the public use and interest will be served and shall:

(a) Approve the site plan either with or without terms or conditions and note such approval and any terms and conditions on the site plan; and

(b) Disapprove the site plan and so advise the applicant in writing stating the reasons of disapproval and advising of appeal procedure.

(7) Approval and Recording. The action approving a site plan shall become effective when the applicant has filed the approved site plan for record in the office of the county auditor, with the notation of the fact that the same has been approved by the Hearing Examiner or board, as applicable and as provided herein. Failure to so file within 30 days after approval shall automatically cause a lapse of approval, and the same shall not be filed until further approval has been granted by the Hearing Examiner or board, as applicable. The site plan shall be duly filed and recorded by the Lewis County auditor upon receipt of the full amount of the filing fee according to the provisions of RCW 36.18.010.

(8) Variance.

(a) Where unnecessary hardships and practical difficulties resulting from

peculiarities of a specific property render it difficult or inequitable to carry out the provisions of this chapter, a party may request a variance, subject to hearing, and the Hearing Examiner shall have the power to grant a variance in harmony with the general purpose or intent of this chapter. After a written request is made by the person seeking the variance, the Hearing Examiner shall forward the request to the planning director for his comments and recommendation. The Hearing Examiner shall consider the following in its decision to either grant or deny the variance:

- (i) The application;
- (ii) The recommendation of the planning director;
- (iii) The general purposes and intent of this chapter.

(b) The Hearing Examiner shall render its decision following a public hearing on the matter. The Hearing Examiner may require that a form of financial guarantee must be furnished by the developer to assure the installation of required improvements when the subject variance involves such improvements. The applicant and all other interested parties shall be given at least 10 days' notice of the date upon which the matter will be considered, and notice shall be published at least once, not less than 10 days prior to said hearing, in the official county newspaper. The decision may be reviewed in accordance with the appeals provisions of Chapter 2.25 LCC. [Ord. 1158, 1998; Ord. 1157, 1998; Ord 1051 Amendment 2, 1980; Ord. 1051 Amendment 1, 1980; Ord. 1051 Art. IV, 1977]

15.30.050 Review and penalties.

(1) Court Review - If Aggrieved. Any decision approving or disapproving any mobile home park site plan shall be reviewable in Lewis County Superior Court in accordance with the provisions of Chapter 2.25 LCC.

(2) Violations - Penalties. The construction, alteration, or extension of any mobile home park without an approved mobile home park site plan or failure to comply with the provisions of this chapter shall subject the offender to the penalties in LCC 1.20.020 and LCC 1.20.040.

(3) Development Permit Prohibition. No building permit or other development permit shall be issued for any mobile home park not having a site plan approved under this chapter. [Ord. 1180 §20, 2002; Ord. 1157, 1998; Ord 1051 Amendment 1, 1980; Ord. 1051 Art. V, 1977]

15.30.060 Design standards.

(1) Location and Layout of Mobile Home Parks.

(a) A mobile home park shall not be established in a location which presents an actual or potential hazard to the health and safety of the occupants unless adequate methods are provided for overcoming said conditions. These hazards include but are not limited to flooding, bad drainage, steep slopes, and rock formations. Those mobile home parks located in identified flood hazard areas shall fully comply with the requirements of the National Flood Insurance and Chapter 15.35 LCC, as now or hereafter amended, or approval of the mobile home park shall be withheld.

(b) Mobile homes shall be so placed on mobile home lots as to provide:

(i) A minimum of 10 feet between adjacent mobile homes and between any mobile home and any adjacent building, with the exception of mobile home accessory buildings, within the mobile home park;

(ii) A minimum of at least three feet between any accessory building on a mobile home lot and any mobile home accessory building on an adjacent mobile home lot; and

(iii) A distance of eight feet between mobile homes and/or buildings,

with the exception of mobile home accessory buildings, shall be allowed in mobile home parks constructed, established, or operating prior to the effective date of these rules and regulations.

(c) No mobile home shall be placed on a mobile home lot so as to obstruct in any way access to a park street or walkway.

(d) A mobile home park shall contain a park street which connects each mobile home lot within the mobile home park to a public road, street, or highway. The traveled surface of park streets shall be surfaced with crushed rock, blacktop, concrete, or other suitable material approved by the county engineer. A park street shall have a minimum right-of-way width of 30 feet, and shall be well marked. Mobile home parks constructed pursuant to the approval of the health officer prior to the adoption of the ordinance codified in this chapter may be allowed to maintain park streets in the condition as previously approved if such streets do not present a hazard to the health and safety of persons using them.

(e) A mobile home park shall contain walkways to and from all community service and recreational facilities. Such walkways shall be adequately surfaced and lighted.

(f) Setbacks from county roads shall be determined by Chapter 15.15 LCC.

(g) The occupied area of a mobile home lot may not exceed 75 percent of the total mobile home lot area.

(2) Sewage Disposal and Water Supply.

(a) All sewage disposal and water supply systems shall be constructed, maintained, and operated in compliance with the requirements of the Lewis County board of health, Washington State Department of Health, and any other applicable laws, ordinances, or rules and regulations.

(b) Prior to the approval of any site plan the proposed sewage disposal system(s) and water supply system shall be approved,

in writing, by the Lewis County board of health and/or the Department of Health.

(c) All public water systems serving mobile home parks shall comply with the specifications of the the standards of the Lewis County board of health, and the Department of Health and Department of Ecology or if connecting to an existing Class I water system shall comply with the design and construction standards of that water system. All public water systems shall comply with the standards of the Lewis County board of health and the Washington State Department of Health and Department of Ecology.

(d) All public sanitary sewer systems serving mobile home parks shall comply with the standards of the Department of Health and the Department of Ecology.

(3) Surface Drainage. All surface drainage methods and systems shall satisfy the requirements of the Lewis County Engineer and public works division. [Ord. 1157, 1998; Ord 1051 Amendment 3, 1987; Ord. 1051 Amendment 1, 1980; Ord. 1051 Art. VI, 1977]

15.30.070 Operational inspection.

(1) Completion of Minimum Improvements. Following the approval of a site plan application by the board and prior to the occupancy of the mobile home park, the developer shall have all utilities installed and operational and complete all park street construction and surfacing in accordance with all those elements and requirements set forth upon the site plan.

(2) Inspection of Mobile Home Parks. Upon completion of the required minimum improvements the developer shall request an operational inspection from the Lewis County planning department. The planning director or his designated representative shall determine satisfactory compliance with the provisions of this chapter and those elements and requirements set forth upon the site plan and notify the developer of

their findings in writing within seven days. If satisfactory compliance has not been made the developer shall be notified of those requirements necessary to be certified for occupancy.

(3) Improvements and Inspections for Phased Development. Those approved site plan applications which have proposed phased development may complete the required minimum improvements required by this chapter and all those elements and requirements set forth upon the site plan and request operational inspections for those individual portions designated for such development on the plan. [Ord. 1157, 1998; Ord 1051 Amendment 2, 1980; Ord. 1051 Amendment 1, 1980; Ord. 1051 Art. VII, 1977]

Chapter 15.35

FLOOD DAMAGE PREVENTION

Sections:

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- 15.35.290 Manufactured homes.
- 15.35.295 Recreational vehicles.

- 15.35.300 Critical facilities.
- 15.35.310 Floodways.
- 15.35.320 Shallow flooding areas (AO zones).

15.35.010 Title.

This chapter shall be known and shall be cited as the Lewis County “flood damage prevention chapter.” [Ord. 1157, 1998; Ord. 1145 § 1, 1995]

15.35.020 Purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money and costly flood control projects; to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (3) To minimize prolonged business interruptions;
- (4) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (5) To help stabilize the tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blight areas;
- (6) To insure that potential buyers are notified that property is in an area of special flood hazard; and
- (7) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. [Ord. 1157, 1998; Ord. 1145 § 2, 1995]

15.35.030 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. [Ord. 1157, 1998; Ord. 1145 § 3, 1995]

15.35.040 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

- (1) “Appeal” means a request for a review of a “land use decision” under this chapter, as provided for in Chapter 2.25 LCC.
- (2) “Area of shallow flooding” means a designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized by sheet flow and AH indicates

areas of shallow flooding where depths are between one and three feet, but no flood hazard factors are determined.

(3) “Area of special flood hazard” means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letter A or V.

(4) “Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “100-year flood.” Designation on maps always includes the letters A or V.

(5) “Beneficial purpose” shall mean a ‘beneficial use’ of fill or materials deposition, involving purposeful development which includes, but is not limited to commercial and residential buildings, and road and utilities construction, in a manner consistent with protection of human health and public safety.

(6) “Best available information” means, in the absence of official flood insurance rate map data, communities can use data from other federal, state, or other sources; provided this data has either been generated using technically defensible methods or is based on reasonable historical analysis and experience.

(7) “Critical facility” means a facility for which even a slight chance of flooding would be too great. Critical facilities include but are not limited to schools, hospitals, police, fire and emergency response installations, nursing homes, installations which produce, use, or store hazardous materials or hazardous waste.

(8) “Designated floodway” means the regulatory floodway which has been delineated on the flood insurance rate map (FIRM) or the flood boundary/floodway map (FBFM) of the Lewis County flood insurance study and is included in this chapter.

(9) “Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations located within the area of special flood hazard. Practices that are normal or necessary for farming, ranching, and/or irrigation are not considered to be “development.”

(10) “Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normal dryland areas from:

(a) The overflow of inland or tidal waters; and/or

(b) The unusual and rapid accumulation of runoff of surface waters from any source.

(11) “Flood insurance rate map” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

(12) “Flood insurance study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary floodway map, and the water surface elevation of the base flood.

(13) “Flood protection elevation” means one foot above the base flood elevation.

(14) “Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

(15) “Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so

as to render the structure in violation of the applicable nonelevation design requirements of this chapter found at LCC 15.35.270.

(16) “Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles.

(17) “Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

(18) “Necessary” as in the phrase ‘not greater than is necessary’ shall mean that which is reasonable to effect the intended purpose.

(19) “New construction” means structures for which the “start of construction” commenced on or after the effective date of the ordinance codified in this chapter.

(20) “Person” means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or any agency of the state or local governmental unit however designated.

(21) “Recreational Vehicle” shall mean a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable; and
- (d) Designed primarily not for use as a permanent dwelling, but as temporary living

quarters for recreational, camping, travel, or seasonal use.

(22) “Special flood hazard area” means an area subject to a base or 100-year flood; areas of special flood hazard are shown on a flood hazard boundary map or flood insurance rate map as zone A, AO, AI-30, AE, A99, AH, VO, V1-30, VE, or V.

(23) “Start of construction” includes substantial improvement, and means the date the building permit was issued; provided, the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

(24) “Structure” means a walled and roofed building including a gas or liquid storage tank that is principally above ground. Manufactured homes are considered structures.

(25) “Substantial improvement” means any repair, reconstruction, or improvement of a structure the cost of which equals or exceeds 50 percent of the value of the structure either:

- (a) Before the improvement or repair is started; or

(b) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure; or

(c) When the cumulative value of improvements or repairs reaches 50 percent over a 10-year period.

The term does not, however, include either:

(a) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which have been identified by a local building, code enforcement or health official and which are the minimum necessary to assure safe living conditions; or

(b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(26) “Variance” means the grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

(27) Water Dependent. A water-dependent structure for commerce or industry is one which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operation.

(28) “Wetlands” means lands defined under LCC 17.35.405 LCC, Wetland – Wetlands). [Ord. 1145C, §1, 2000; Ord. 1145B, §1, 1999; Ord. 1145A §1, 1998; Ord. 1157, 1998; Ord. 1145 § 4, 1995]

15.35.050 Lands to which this chapter applies.

This chapter shall apply to all areas subject to a base flood and/or designated as an area of special flood hazard within the

jurisdiction of Lewis County. [Ord. 1157, 1998; Ord. 1145 § 5(A), 1995]

15.35.060 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for Lewis County” dated November 1981, and as amended, with accompanying flood insurance rate maps is hereby adopted by reference and declared to be a part of this chapter. The flood insurance study is on file at the Lewis County Public Service, Department of Community Services, Building Section, Chehalis, Washington and the Lewis County Auditor’s Office, Courthouse, Chehalis, Washington. In the event the map is insufficient, best available information should be used to determine the flood hazard zone. [Ord. 1157, 1998; Ord. 1145 § 5(B), 1995]

15.35.070 Compliance.

All development shall hereafter proceed in compliance with the terms of this chapter and other applicable regulations. [Ord. 1157, 1998; Ord. 1145 § 5(C), 1995]

15.35.080 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions which may be enforced by private action among the affected parties. This chapter establishes the standards for public action. [Ord. 1157, 1998; Ord. 1145 § 5(D), 1995]

15.35.090 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under state statutes. [Ord. 1157, 1998; Ord. 1145 § 5(E), 1995]

15.35.100 Criteria for land management and use.

The standards and definitions contained in 44 CFR, Parts 59 and 60 for the National Flood Insurance Program, Chapter 86.16 RCW and Chapter 173-158 WAC, and Chapter 17.35 LCC, Critical Areas, are adopted as the minimum state standards by reference. [Ord. 1157, 1998; Ord. 1145 § 5(F), 1995]

15.35.110 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. Lewis County and any of its officers or employees are not responsible for the accuracy of materials submitted for review and does not guarantee that flood damage will not result from reliance on this chapter or any administrative decision lawfully made thereunder. [Ord. 1157, 1998; Ord. 1145 § 5(G), 1995]

15.35.120 Administrator – Designated.

The building official for the county or his designee shall be designated as administrator and shall be responsible for interpreting, developing and applying the provisions and requirements of this chapter. [Ord. 1157, 1998; Ord. 1145 § 6(A)(1), 1995]

15.35.130 Administrator – Duties.

Duties of the building official shall include, but are not limited to:

(1) Permit Review.

(a) Review all development permits to determine that the permit requirements of this chapter have been satisfied.

(b) Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.

(c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of LCC 15.35.310(1) are met.

(d) Provide a copy of the permit application and site plan to the planning department for review and comment.

(2) Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with LCC 15.35.060, the building official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from federal, state, or other source, in order to administer LCC 15.35.270, 15.35.280 and 15.35.310.

(3) Information to be Obtained and Maintained.

(a) Where base flood elevation is provided through the flood insurance study or required as in subsection (2) of this section, the developer shall provide to the building official the actual elevation to which the structure was flood-proofed, certified by a licensed land surveyor, (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement. The building official shall record this elevation.

(b) For all new or substantially improved floodproofed structures:

(i) The developer shall provide to the building official the actual elevation, certified by a licensed land surveyor. The building official shall record this elevation.

(ii) The building official shall maintain the floodproofing certifications required in LCC 15.35.140(3).

(c) The building official shall maintain for public inspection all records pertaining to the provisions of this chapter.

(4) Alteration of Watercourses.

(a) Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(b) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(5) Interpretation of FIRM Boundaries. Make interpretations, where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in LCC 15.35.160. [Ord. 1145C § 2, 2000; Ord. 1157, 1998; Ord. 1145 § 6(A)(2), 1995]

15.35.140 Development permits.

A development permit entitled flood hazard zone permit shall be obtained before construction or development begins within any area of special flood hazard established in LCC 15.35.060. The permit shall be for all structures including manufactured homes, as set forth in LCC 15.35.040 and for all other development including fill and other activities, also as set forth in LCC 15.35.040. Application for a development permit shall be made on forms furnished by the building official and shall include (but not be limited to) site plans in duplicate

drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically the following information is required:

(1) Elevation in relation to mean seal level, of the lowest floor (including basement) of all structures;

(2) Elevation in relation to mean sea level to which any structure has been floodproofed;

(3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in LCC 15.35.270;

(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and

(5) The applicant shall indicate the exact location of the proposed structures or development upon a copy of the flood hazard map and shall certify in writing that the location shown is correct. Applicant may also make such certification upon an accurate site plan showing location of readily identifiable physical features.

(6) Every permit issued by the administrator in accordance with this chapter shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the effective date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans or specifications, and provided further that such suspension or abandonment has not exceeded one year. In

order to renew action on a permit after an expiration exceeding one year, the permittee shall pay a new, full permit fee and submit to full permit review. Any permittee holding an unexpired permit may apply for an extension of time within which work may be commenced under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. For good cause shown, a permittee with an active permit may be granted up to two successive six-month extensions for time of action required under this section. In no event, however, shall the work authorized by such permit extend beyond two (2) years of the effective date of the permit under this section. For purposes of this section, the effective date of the permit shall be the date of the last action required on the permit and all other government permits and approvals that authorize the development to proceed, including all administrative and legal actions on any such permit or approval. It is the responsibility of the applicant to inform the Administrator of the pendency of other permit applications filed with agencies other than the County and of any related administrative and legal actions on any permit or approval. If no notice of the pendency of other permits or approvals is given to the Administrator by the applicant prior to the expiration date established by the permit or the provisions of this section, the expiration shall be based on the original permit date. [Ord. 1145A §2, 1998; Ord. 1157, 1998; Ord. 1145 § 6(A)(3), 1995]

15.35.145 Development Fees.

A fee for a development permit hereunder shall be as set forth in LCC 18.05.055. [Ord. 1145B §2, 1999]

15.35.150 Shoreline management permits.

A shoreline management substantial development permit issued pursuant to Chapter 90.58 RCW (Shoreline

Management Act of 1971) and the Lewis County shoreline management master program and Chapter 17.25 LCC may serve as the flood hazard zone permit for those developments and structures that are within both a flood hazard zone and an area under jurisdiction of the Shoreline Management Act. [Ord. 1145C § 3, 2000; Ord. 1157, 1998; Ord. 1145 § 6(A)(4), 1995]

15.35.160 Appeals.

Hearing Examiner. Any decision of the administrator in the interpretation and application of this chapter may be appealed pursuant to Chapter 2.25 LCC. [Ord. 1157, 1998; Ord. 1145 § 6(B), 1995]

15.35.170 Variances.

(1) Administration. The administrator shall hear and decide requests for variances.

(2) Application. Application for a variance request shall be submitted in conjunction with any permit request, and any notice required for such permitting shall include notice of the request for variance.

(3) Standards of Review. In deciding upon a request for variance, the administrator shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the following:

(a) The danger that materials may be swept onto other lands to the injury of others;

(b) The danger to life and property due to flooding or erosion damage;

(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(d) The importance of the services provided by the proposed facility to the community;

(e) The necessity to the facility of a waterfront location, where applicable;

(f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(g) The compatibility of the proposed use with existing and anticipated development;

(h) The relationship of the proposed use to the comprehensive plan, if any, and floodplain management program for that area;

(i) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges;

(l) A showing of good and sufficient cause;

(m) A determination that failure to grant the variance would result in exceptional hardship to the applicant;

(n) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsections (a) through (k) above, or conflict with existing local laws or ordinances.

(4) General Requirements. The only condition under which a variance from the elevation standard may be used is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level; provided subsections (3)(a) through (n) of this section have been fully considered. As the lot size increases

the technical justification required for issuing the variance increases.

(5) General Restrictions. The issuance of variances shall be further limited by the following general issuance restrictions:

(a) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in this section.

(b) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

(c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(d) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

(e) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except subsection (4) of this section, and otherwise complies with LCC 15.35.200 and 15.35.210.

(6) Notice. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced

lowest floor elevation. [Ord. 1157, 1998; Ord. 1145 § 6(C), 1995]

15.35.180 Penalties and enforcement.

(1) It shall be unlawful for any person(s) to violate any provision of this chapter.

(2) A notice of violation and order for penalty may be issued by the administrator or designee pursuant to LCC 1.20.040; except, that the cumulative penalty may total up to \$1,000 per day for each violation assessed against the person(s) to whom the notice and order to correct the violation is directed.

(3) Any penalty jointly imposed by the administrator and by Lewis County pursuant to WAC 173-158-090 may be subject to appeal directly to the Pollution Control Hearings Board of the state of Washington, by and through the administrative procedures governing the board. [Ord. 1157, 1998; Ord. 1145 § 6(D), 1995]

15.35.190 Flood hazard reduction – General standards.

In all areas of special flood hazards the standards of LCC 15.35.200 through 15.35.240 are required. In addition, in all areas of special flood hazards:

(1) Any fill or materials to be deposited within special flood hazard areas must have a beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the legal owner(s) showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials.

(2) Fill or materials must be obtained from the same site, to the extent practicable. Where such fill or materials cannot be so obtained from the same site, fill or materials must be obtained, to the extent possible, both within the immediate vicinity and within the boundaries of the special flood hazard area. This subsection, both as a portion of the amending provisions of

Section (3) of Ordinance No. 1145A and as LCC 15.35.190(2), shall expire on November 1, 2002. [Ord. 1145A § 3, 1998; Ord. 1157, 1998; Ord. 1145 § 7(A), 1995]

15.35.200 Anchoring.

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

(2) All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques). [Ord. 1157, 1998; Ord. 1145 § 7(A)(1), 1995]

15.35.210 Construction materials and methods.

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(3) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding. [Ord. 1157, 1998; Ord. 1145 § 7(A)(2), 1995]

15.35.220 Utilities.

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(2) New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and

(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. [Ord. 1157, 1998; Ord. 1145 § 7(A)(3), 1995]

15.35.230 Subdivision proposals.

(1) All subdivision proposals shall be consistent with the need to minimize flood damage;

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less). [Ord. 1157, 1998; Ord. 1145 § 7(A)(4), 1995]

15.35.240 Review of building permits.

Where elevation data is not available either through the flood insurance study or from another authoritative source (LCC 15.35.130 (2)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates. [Ord. 1157, 1998; Ord. 1145 § 7(A)(5), 1995]

15.35.250 Flood hazard reduction – Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in LCC 15.35.060 or 15.35.130(2), the provisions of LCC 15.35.260 through 15.35.300 are required. [Ord. 1157, 1998; Ord. 1145 § 7(B), 1995]

15.35.260 Flood protection elevation.

In order to account for the impacts of future development on flood depths, and in order to ensure the least expensive insurance rates for floodplain occupants, all development within special flood hazard areas which requires elevation or floodproofing shall be elevated or floodproofed to or above the flood protection elevation (base flood elevation plus one foot). [Ord. 1157, 1998; Ord. 1145 § 7(B)(1), 1995]

15.35.270 Residential construction.

(1) New construction, additions, and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to the flood protection elevation.

(2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than one foot above grade.

(c) Openings may be equipped with screens, louvers, or other coverings or

devices; provided, that they permit the automatic entry and exit of floodwaters. [Ord. 1157, 1998; Ord. 1145 § 7(B)(2), 1995]

15.35.280 Nonresidential construction.

New construction, additions, and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to the flood protection elevation, or, together with attendant utility and sanitary facilities, shall:

(1) Be floodproofed so that below the flood protection elevation the structure is watertight with walls substantially impermeable to the passage of water;

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in LCC 15.35.130(3)(b);

(4) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in LCC 15.35.260;

(5) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level). [Ord. 1157, 1998; Ord. 1145 § 7(B)(3), 1995]

15.35.290 Manufactured homes.

All manufactured homes to be placed or substantially improved within zones A1-30, AH, and AE shall be elevated on a

permanent foundation such that the lowest floor of the manufactured home is at the flood protection elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of LCC 15.35.200(2). [Ord. 1157, 1998; Ord. 1145 § 7(B)(4), 1995]

15.35.295 Recreational vehicles.

(1) All recreational vehicles to be placed within zones A1-30, AH and AE shall:

(a) Be on the site for fewer than 180 consecutive days; or

(b) Be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or

(c) Meet the requirements of LCC 15.35.290, and the elevation and anchoring requirements for manufactured homes. [Ord. 1145B §3, 1999]

15.35.300 Critical facilities.

Critical facilities should be afforded additional flood protection due to their nature. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the 100-year floodplain as identified on the community's FIRM. Construction of new critical facilities shall be permissible within the 100-year frequency floodplain and shall have the lowest floor elevated to three or more feet above the level of the 100-year frequency flood. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the 100-year frequency flood shall be provided to all critical facilities to the extent possible. [Ord. 1157, 1998; Ord. 1145 § 7(B)(5), 1995]

15.35.310 Floodways.

Located within areas of special flood hazard established in LCC 15.35.060 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(1) Landfill, substantial improvements, and new construction are prohibited. Other development may be allowed only if certification by a registered professional, Washington state engineer or architect is provided demonstrating that encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) Special flood hazard areas with designated floodways. In addition to those NFIP requirements for designated floodways, communities with designated floodways shall restrict land uses within such areas to include the prohibition of construction or reconstruction of residential and non-residential structures except for:

(a) Repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and

(b) Repairs, reconstruction, or improvements which are not substantial improvements as defined in LCC 15.35.040(22).

(3) Special flood hazard areas without designated floodways. When a regulatory floodway for a stream has not been designated, the community may require that applicants for new construction and substantial improvements reasonably utilize the best available information from a federal, state, or other source to consider the cumulative effect of existing, proposed, and anticipated future development and determine that the increase in the water surface elevation of the base flood will not be more than one foot at any point in the community. Building and development near

streams without a designated floodway shall comply with the requirements of 44 Code of Federal Regulation 60.3(b)(3) and (4), and (c)(10) of the National Flood Insurance Program regulations. [Ord. 1145A §4, 1998; Ord. 1157, 1998; Ord. 1145 § 7(C), 1995]

15.35.320 Shallow flooding areas (AO zones).

Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from one to three feet where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

(1) New construction and substantial improvements of residential structures within AO zones shall have the lowest floor (including basement) elevated above the highest adjacent grade of the structure, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified).

(2) New construction and substantial improvements of nonresidential structures within AO zones shall either:

(a) Have the lowest floor (including basement) elevated above the highest adjacent grade of the structure, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or

(b) Together with attendant utility and sanitary facilities, be completely floodproofed to that level specified in subsection (2)(a) of this section so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional

engineer or architect as in LCC 15.35.280(3).

(3) Require adequate drainage paths around structures on slopes to slide floodwaters around and away from proposed structures.

(4) All recreational vehicles to be placed within AO zones shall:

(a) Be on the site for fewer than 180 consecutive days; or

(b) Be fully licensed and ready for highway use, on their wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or

(c) Meet the requirements of LCC 15.35.320(1), (2) and (3), and the anchoring requirements for manufactured homes. [Ord. 1145C §§4 & 5, 2000; Ord. 1157, 1998; Ord. 1145 § 7(D), 1995]

Chapter 15.45

STORMWATER MANAGEMENT

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Article I. Purpose

15.45.010 Need and Purposes.

(1) An expanding population and increased construction of improvements on land coupled with inadequate drainage control have led to stormwater runoff problems affecting both lives and properties. These problems contribute to: 1) increased sedimentation in ponds, creeks, and rivers; 2) degradation of water quality and fish and wildlife habitat through uncontrolled, excess discharge of increased water runoff and transmission of contaminants such as nutrients, oil, grease, and other detrimental substances; 3) uncontrolled water runoff on streets and highways; and 4) erosion and flooding of adjacent and downstream properties.

(2) Future problems could be reduced if building and construction activities, both public and private, provide for adequate stormwater quality and quantity controls. To help protect individual property rights, preserve fish habitat, and promote sound development activities which respect and preserve water quality, Lewis County has adopted the following requirements for both temporary and long-term stormwater management.

(3) The provisions of this Chapter are intended to guide and advise those who conduct new development or redevelopment within Lewis County. The provisions establish the minimum level of compliance which must be met to permit a property to be developed or redeveloped, as defined below, within Lewis County. [Ord. 1161 §1, (1998)]

Article II. Definitions

15.45.020 Definitions.

The following definitions of terms shall apply to this Chapter:

(1) “Abbreviated Plan” shall mean a Stormwater Plan as specified in Articles V & VI having considerably fewer requirements.

(2) “Administrator” shall mean the Director of Public Works or his/her authorized designee.

(3) “Approval” shall mean the proposed work or completed work conforms to this Chapter in the judgment of the Administrator, or his/her authorized designee.

(4) “Applicant” shall mean the person, party, firm, corporation, or other legal entity that proposes to engage in site development activities in Lewis County by submitting an application for any of the activities covered by this Chapter on a form furnished by the County and paying the required application fees.

(5) “Best Management Practice (BMP)” shall mean as set forth under LCC 17.30.090, 17.35.100, and 17.35.105.

(6) “Biofiltration/Biofilter Facilities” shall mean vegetative BMPs which treat stormwater by filtration through vegetation. Biofiltration facilities include, but are not limited to, grassed or vegetated swales and filter strips.

(7) “Civil Engineer” shall mean a professional engineer licensed in the State of Washington in Civil Engineering.

(8) “Clearing or land clearing” shall be as set forth under LCC 17.35.125.

(9) “County” shall mean Lewis County.

(10) “County Commissioners” shall mean the Lewis County Board of County Commissioners.

(11) “Critical Areas” shall mean as set forth under LCC 17.35.150.

(12) “Design Storm Event” shall mean a theoretical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility.

(13) “Detention Facilities” shall mean stormwater facilities designed to store runoff while gradually releasing it at a pre-determined controlled rate; and also includes all appurtenances associated with their designed function, maintenance, and security.

(14) “Developed Site” shall mean the condition of the development site following completion of construction of the development including all approved phases of construction.

(15) “Development” shall mean any project that requires building, mobile home placement or floodplain development permits or reviews under Title 15 LCC, Buildings and Construction.

(16) “DOE” shall mean the Washington State Department of Ecology.

(17) “Drainage Basin” shall mean a geographic and hydrologic subunit of a watershed.

(18) “Drainage Feature” shall mean any natural or manmade structure, facility, conveyance or topographic feature which has the potential to concentrate, convey, detain, retain, infiltrate or affect the flow rate of stormwater runoff.

(19) “Earth Material” shall mean any rock, natural soil or fill and/or any combination thereof.

(20) “Easement” shall mean an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, municipality, or other legal entity has in the land of another.

(21) “Erosion” shall mean the wearing away of the land surface by running water, wind, ice, or other geological agents including such processes as gravitational creep. Detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

(22) “Erosion Control Design Storm” shall mean the 2-year frequency, 24-hour duration storm event used for analysis and design of sedimentation and erosion control facilities.

(23) “Excavation” shall mean the mechanical removal of earth material.

(24) “Existing Conditions” shall mean those conditions prior to proposed development, clearing, grading, or fill including gravel roads or other gravel surfaces.

(25) “Existing Stormwater Facilities” shall mean those facilities constructed or approved for construction prior to the effective date of this Chapter.

(26) “Geotechnical Engineer” shall mean a practicing professional engineer licensed in the State of Washington who has at least four years of professional experience in geotechnical and landslide evaluation.

(27) “Grading” shall mean any excavating, filling or embanking of earth materials.

(28) “Hydrograph” shall mean a graph of runoff rate, inflow rate or discharge rate, past a specific point over time.

(29) “Hydrograph Method” shall mean a method of estimating a hydrograph using a mathematical simulation. Commonly accepted hydrograph methods include the Santa Barbara Urban Hydrograph Method and Soil Conservation Service TR-55 method.

(30) “Illicit Discharge” shall mean all non-stormwater discharges to stormwater drainage systems that cause or contribute to a violation of state water quality, sediment quality, or ground water quality standards, including but not limited to sanitary sewer connections, industrial process water, interior floor drains, and greywater systems.

(31) “Impervious Surface” shall mean a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface

area which causes water to run off the surface in greater quantities or an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious areas.

(32) “Land Disturbing Activity” shall mean any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to demolition, clearing, grading, filling and excavation.

(33) “Maintenance” shall mean any activity which is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to return the facility to good working order. Maintenance shall also include the correction of any problem on the site property which may directly impair the functions of the stormwater facilities.

(34) “Maintenance Covenant” shall mean a binding agreement between Lewis County and the person or persons holding title to a property served by a stormwater facility whereby the property owner promises to maintain certain stormwater facilities; grants Lewis County the right to enter the subject property to inspect and to make certain repairs or perform certain maintenance procedures on the stormwater control facilities when such repairs or maintenance have not been performed by the property owner; and promises to reimburse

Lewis County for the cost should the County perform such repairs or maintenance.

(35) “Maintenance Schedule” shall mean a document detailing required stormwater facility maintenance activities to be performed at specified intervals.

(36) “Major Development” shall mean any new development or redevelopment that: 1) includes the creation or cumulative addition of 5,000 square feet or greater of impervious surface area from the pre-development conditions; or 2) includes land disturbing activity of one acre or greater.

(37) “Manual” shall mean the latest edition of the DOE’s Stormwater Management Manual.

(38) “Minor Development” shall mean any new development or redevelopment activity that: 1) includes the creation or addition of less than 5,000 square feet of new impervious surface area; or 2) includes land disturbing activity of less than one acre.

(39) “Minor Technical Accommodation” shall mean permission granted from the Administrator to deviate from the provisions in Article VI provided that all of the criteria in LCC 15.45.480 are met.

(40) “Off-site Drainage Analysis” shall mean a study of those land areas contributing surface runoff to a development site as well as a study of the existing and predicted impacts of surface runoff from the development site on properties and drainage features that have the potential to receive stormwater from the development site.

(41) “Oil/Water Separator” shall mean a structure or device used to remove suspended, floating or dispersed oil and greasy solids from water.

(42) “Operation and Maintenance (O&M) Manual” shall mean a written manual prepared by a licensed civil engineer that provides a description of operation and maintenance procedures for specific

stormwater control facilities, for use by operation and maintenance personnel.

(43) “Owner” shall mean any person or persons having a legal or equitable property right or interest, whether or not said right is legal or equitable in character, including a fee owner, contract purchaser or seller, mortgagor or mortgagee, optionor or optionee, and beneficiary or grantor of a trust or deed of trust.

(44) “Pollution” shall mean contamination or other alteration of the physical, chemical, or biological properties of waters of the state including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful.

(45) “Pre-development Conditions” shall mean site conditions, as they existed prior to the effective date of this Chapter.

(46) “Professional Engineer” shall mean a person who, by reason of his/her special knowledge of the mathematical and physical sciences, and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering as attested by his/her legal registration as a professional engineer in the State of Washington.

(47) “Project Engineer” shall mean the professional engineer responsible for the design of the project, who will affix his/her seal on the project drainage plans and drainage analysis. The project engineer shall be licensed in the state of Washington.

(48) “Redevelopment” shall mean any land disturbing activity occurring on existing developed property.

(49) “Retention Facilities” shall mean drainage facilities designed to store runoff for gradual release by evaporation, plant transpiration, or infiltration into the soil. Retention facilities shall include all

such drainage facilities designed so that none of the runoff entering the facility will be discharged as surface water. Retention facilities shall include all appurtenances associated with their designed function, maintenance, and security.

(50) "Runoff Treatment BMP's" shall mean a BMP that is designed to remove pollutants that are contained in runoff. These BMP's use a variety of mechanisms to remove pollutants from stormwater including sedimentation, filtration, plant uptake, ion exchange, absorption, and bacterial decomposition.

(51) "SEPA" shall mean the Washington State Environmental Policy Act as set forth under Ch. 43.21C RCW.

(52) "Site Development Activity" shall mean the alteration of topography, clearing, paving, grading, construction, alteration of storm water systems, site preparation, or other activity commonly associated with a land use development permit as set forth under LCC 17.35.260.

(53) "Soils Investigation Report" shall mean a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils investigation report shall be prepared by a qualified engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.

(54) "Source Control BMP's" shall mean a BMP that is intended to prevent pollutants from entering stormwater. Examples include erosion control practices, maintenance of stormwater facilities, and directing wash water and similar discharges to the sanitary sewer or a dead end sump.

(55) "Stabilized" shall mean the application of BMP's sufficient to reasonably protect soil from the erosive forces of raindrop impact and flowing water. Examples include, but are not limited to, vegetative establishment, mulching, plastic

covering, the early application of gravel base, and outlet and channel protection.

(56) "Storm" Drainage Approval shall mean the same as Approval in this Chapter.

(57) "Stormwater" shall mean the surface water runoff that results from all natural forms of precipitation.

(58) "Stormwater Facility" shall mean a component of a manmade drainage feature, or features, designed or constructed to perform a particular function or multiple functions. Stormwater facilities include, but are not limited to, pipes, swales, ditches, culverts, street gutters, detention basins, retention basins, wetponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, sediment basins, and modular pavement. Stormwater facilities shall not include building gutters, downspouts, and drains serving one single-family residence.

(59) "Stormwater Plan" shall mean drawings and documents submitted in compliance with Articles V & VI of this Chapter.

(60) "Stormwater Quality Control" shall mean the control of the introduction of pollutants into stormwater and the process of separating pollutants from stormwater. Stormwater quality control facilities include, but are not limited to, source controls, biofiltration/biofilter facilities, wetponds, wetland forebays, oil/water separators, constructed wetlands, and erosion and sedimentation control facilities.

(61) "Stormwater Quantity Control" shall mean the control of the rate and/or volume of stormwater released from a development site. Stormwater quantity control facilities include, but are not limited to, detention and retention facilities.

(62) "Water Quality Design Storm Event" used for the design of water quality treatment facilities shall be the 6-month, 24-hour storm event. If precipitation data from isopleth maps is not available for this

design storm event, then use 64% of the 2-year, 24-hour storm event as equivalent to the 6-month, 24-hour storm event.

(63) "Wetland" shall mean as set forth under LCC 17.35.405. [Ord. 1161 §2, (1998)]

Article III. General Provisions.

15.45.030 Applicability.

The provisions of this Chapter shall apply to all site development activities requiring building, mobile home placement or flood damage prevention reviews and/or permit approvals under Title 15 LCC and to subdivisions approved under Title 16 LCC, within the bounds of unincorporated Lewis County. No site development activities requiring said Titles 15 or 16 LCC reviews or approvals shall be initiated prior to issuance of Storm Drainage Approval unless exempt under LCC 17.45.100 [Ord. 1161 §3, 1998]

15.45.040 More Strict Applies.

When provisions of any other County regulation or code section conflict with this Chapter, that which provides more property and environmental protection shall apply to the extent permissible. [Ord. 1161 §3, 1998]

15.45.050 Administration.

The Director, or his/her authorized designee, shall administer this Chapter. The Director shall have the authority to develop and implement procedures to administer and enforce this Chapter. [Ord. 1161 §3, 1998]

15.45.060 Review.

The Administrator shall review all stormwater discharge submittals for administrative approval or denial for determination that the Storm Drainage Approval requirements of this Chapter have been satisfied. Such review shall include comment from the Building Official on

building and flood hazard permitting requirements. [Ord. 1161 §3, 1998]

15.45.070 Duration of Approval.

(1) Storm Drainage Approval shall, at the time of its issuance, be consistent with the periods of approval for the regulated activities listed in LCC 15.45.090.

(2) One copy of an approved Stormwater Plan shall be displayed or available on construction sites at all times until completion of all site development activities. [Ord. 1161 §3, 1998]

15.45.080 Interpretation.

In the interpretation and application of this Chapter, all provisions shall be:

(1) Liberally construed to serve the purpose of this Chapter; and

(2) Deemed neither to limit nor repeal any other powers under state or local laws. [Ord. 1161 §3, 1998]

Article IV. Regulated and Allowed Activities

15.45.090 Regulated Activities.

Consistent with the requirements contained in this Chapter, Lewis County shall approve, conditionally approve, or disapprove stormwater plans and facilities for the following activities, unless exempted in LCC 17.45.100:

(1) All long subdivision plats.

(2) Those short subdivision plats whose stated purpose would require issuance of building permits when the total proposed short subdivision plat development would not meet the exemption criteria in LCC 17.45.100.

(3) All construction, including remodeling, reconstruction, and new construction which add five thousand (5,000) square feet or more of impervious surfaces, including gravel parking areas.

(4) Developments entailing construction which would change the point of discharge

of surface waters, discharge surface waters at a higher velocity and/or quantity than that prior to development, or increase pollution of surface waters. [Ord. 1161 §4, 1998]

15.45.100 Exemptions.

The following are exempt from this Chapter:

(1) Construction and development involving commercial agriculture and forest practices regulated under Title 222 WAC.

(2) Development undertaken by the Washington State Department of Transportation in state highway right-of-ways.

(3) Those divisions of land exempt by Chapters 16.05 or 16.10 LCC.

(4) Those activities permitted under Title 15 LCC when a previous stormwater approval, applicable to the subject building lots, has been provided consistent with LCC 15.45.090(1).

(5) Individual single family residences that do not exceed 5,000 square feet of impervious surfaces for lot sizes less than 0.77 acre, or fifteen percent (15%) of impervious surfaces to lot size for lot sizes greater than or equal to 0.77 acre. [Ord. 1161 §4, 1998]

Article V. Permit Requirements

15.45.110 General Requirements.

(1) Stormwater Plan submittals shall show any surface waters entering the property, flows within the site, and surface waters exiting from the property.

(2) Other general requirements of a Stormwater Plan are:

(a) Plans for storm drainage and detention facilities shall bear the stamp and seal of a registered Civil Engineer currently licensed by the State of Washington, and qualified by experience and education in the field of hydraulics, hydrology, or a closely related field.

(b) All drainage system elements must provide for adequate maintenance and accessibility, and meet standard safety requirements. Storm drainage facilities shall be designed to eliminate interference from underground utilities, and for conditions which exceed design loads for any pipe or other structural element.

(c) System reliability should be considered in terms of layout, materials, installation, and maintenance.

(d) The impact of a system failure should be analyzed both in terms of on-site and off-site effects. The impacts may affect adjacent or downstream properties, elements of a public storm drainage system, or private systems.

(e) No drainage including plumbing originating from the inside of a building or structure shall be connected to the storm drainage or surface water systems.

(f) Drainage systems shall be designed to meet applicable State and Federal requirements for water quality prior to discharge to any water body. The Applicant shall be responsible for obtaining any pertinent local, State, and Federal discharge approvals and permits.

(g) An Abbreviated Storm Drainage Plan may be submitted for projects which are designated as single family residence; and exceed 5,000 square feet of impervious surfaces for lot sizes less than 0.77 acre, or the percentage of impervious surfaces to lot size is greater than fifteen percent for lot sizes larger than or equal to 0.77 acre. This Abbreviated Plan need not be stamped with the seal of a licensed Professional Engineer. [Ord. 1161 §5, 1998]

15.45.120 Technical References.

The latest edition of DOE's Stormwater Management Manual shall be used as a guideline for determining the adequacy of submitted drainage plans. Other manuals and technical references may be used upon the discretion of the Project Engineer and

subject to approval by the Administrator.
[Ord. 1161 §5, 1998]

15.45.130 Application for Approval.

The Application shall include the following:

- (1) Vicinity map;
- (2) Site plan;
- (3) Storm drainage plan;
- (4) Hydrological engineering report;
- (5) Operation and maintenance manual performance bond or security (prior to final approval); and
- (6) Any supplemental requirements/conditions by the Administrator or the Department of Community Development.
[Ord. 1161 §5, 1998]

15.45.140 Description of Application Elements.

(1) Vicinity Map. The vicinity map shall include the following information.

(a) Location of proposed development activities in relation to the local drainage basins.

(b) Location of all water courses and other natural surface water system elements downstream and upstream from the proposed development activities.

(c) Identification of upstream and downstream drainage areas.

(2) Site Plan. The following information shall be included in the site plan for the proposed storm drainage activities.

(a) Location and description of all watercourses, impoundments, wetlands, and other surface water features on or adjacent to the site into which surface waters flow.

(b) Topography of the site under existing and proposed conditions, in two-foot contours or of sufficient interval to show the general topography of the two conditions.

(c) Delineation of floodway and floodplain for a 100-year event, if applicable.

(d) Proposed improvements which includes location and description of existing and proposed buildings/structures, impervious surfaces, and storm drainage facilities.

(e) Location and identification of all existing and proposed easements for the storm water management systems, and easements to provide adequate access for inspection and maintenance, depicted in relation to existing right-of-way and property lines.

(3) Storm Drainage Plan. The Applicant is responsible for submitting a Storm Drainage Plan which meets the design requirements of this Chapter. The Plan shall also include delineation and description of all interim storm water management facilities, including erosion and sedimentation control, to be used during construction. All site development activities shall be conducted in accordance with the Plan.

(4) Operation and Maintenance Manual. The Applicant is responsible for submitting an Operation and Maintenance Manual describing required type and frequency of long-term maintenance of drainage facilities, and identification of responsible maintenance organization. This information may be included in the Storm Drainage Plan.

(5) Hydrological Engineering Report. A hydrological engineering report shall be submitted and it shall bear the stamp and seal of a registered Civil Engineer currently licensed by the State of Washington, and qualified by experience and education in the field of hydraulics, hydrology, or a closely related field. The submitted information shall follow the requirements in this section and in Article VI.

(6) Performance Bond or Other Security. The Administrator may require from the Applicant a licensed surety, cash bond, irrevocable letter of credit from a financial institution, or other like security

acceptable to the County, prior to the issuance of Storm Drainage Approval. Such securities shall be administered in accordance with the provisions stated in Article X.

(7) Supplemental Requirements/ Conditions Imposed by the Administrator or the Department of Community Development.

(a) Supplemental requirements such as studies, inspections, and/or testing at any stage of the application or project to determine measures needed to correct or prevent surface water deficiency occurrences may be imposed.

(b) Additional requirements may be deemed necessary to prevent the storm drainage activities from being conducted in a manner hazardous to life or property, or in a manner likely to create a nuisance.

(c) All conditions must be identified in the Storm Drainage Plan submitted for approval. [Ord. 1161 §5, 1998]

15.45.150 Abbreviated Storm Drainage Plans

(1) An Abbreviated Storm Drainage Plan may be submitted for projects which are designated as single family residence; and exceed 5,000 square feet of impervious surfaces for lot sizes less than 0.77 acre, or the percentage of impervious surfaces to lot size is greater than fifteen percent for lot sizes larger than or equal to 0.77 acre. An Abbreviated Drainage Plan for individual lots may be utilized when a prior approved subdivision cannot reasonably accommodate the drainage from all lots within the overall drainage plan.

(2) This Abbreviated Plan need not be stamped with the seal of a licensed Professional Engineer.

(3) The Administrator will attach conditions on the project as necessary to control erosion and runoff which shall include but not be limited to:

(a) An evaluation of the need for dispersion trenches (french drains, drywells) or other onsite facilities for disposal of runoff from roofs and other impervious surfaces.

(b) Routing for storm drainage as necessary and appropriate for the size of the project.

(c) Erosion and sediment control BMP's.

(d) Streambank erosion control BMP's.

(e) Wetland quality control BMP's.

(4) An Abbreviated Plan shall contain the following information:

(a) Name, address, and telephone of the Applicant.

(b) Name, address, and telephone of the person preparing the plot plan.

(c) Parcel number(s).

(d) Scale and north arrow.

(e) Legend if symbols are used.

(f) Vicinity map of sufficient clarity to locate the property and the receiving water body.

(g) Property boundaries, dimensions, and area.

(h) Contour lines from the best available source and specify datum used.

(i) Adjoining street names.

(j) Existing and proposed structures and other impervious surfaces.

(k) Location of waste treatment system.

(l) Utility and other easements.

(m) Natural drainage channels, wetlands, canyons, gullies, water bodies, etc.

(n) Established buffers, significant trees, and natural vegetation easements.

(o) Clearing limits.

(p) Areas to be graded, filled, excavated, or disturbed.

(p) Location of known wells, underground storage tanks, and septic tanks.

(q) Location and type of erosion and sediment control measures.

(5) Straight lines shall be drawn with a straight edge, and features shall be to scale. Drawing shall be sufficiently clear to see footprint of structures and other aforementioned features. [Ord. 1161 §5, 1998]

Article VI. Design Criteria and Guidelines

15.45.160 Discharge at Natural Location.

(1) All surface and stormwater runoff from a proposed project to construct new, or to modify existing drainage facilities must discharge at the natural or otherwise legally existing location so as to not affect adjacent downstream properties. Discharge of runoff shall be of the similar quality, flow rate, and velocity which flowed from the site under existing conditions.

(2) Proposals which do not discharge at the natural location in order to address an existing or anticipated problem will be considered as a technical accommodation.

(3) Discharge from the development must produce no significant adverse impacts to existing, downstream drainage systems. If no conveyance system exists at the adjoining property line and the discharge was previously unconcentrated flow, then any concentrated flow must be conveyed to an acceptable discharge point. If existing topography does not provide for the natural downstream flow of surface waters, drainage easements must be secured from downstream property owners prior to Approval. [Ord. 1161 §6, 1998]

15.45.170 Off-Site Analysis.

The Stormwater Plan submittal shall include an analysis of off-site conditions that may affect or be impacted by the new drainage system. These conditions may include, but are not limited to, ponding water, high and low flows, siltation, and erosion. The Applicant shall demonstrate that the proposed project will not aggravate

an existing drainage problem or create a new drainage problem. An analysis of a minimum distance of ¼ mile downstream or upstream from the site shall be considered. If conditions warrant, the Administrator may require a more extensive analysis. [Ord. 1161 §6, 1998]

15.45.180 Easements, Tracts, and Covenants.

(1) Drainage easements shall be provided in a proposed development for all stormwater conveyance systems that are not located in public rights-of-way or tracts. Said drainage easements shall be granted to the parties responsible for providing on-going maintenance of the systems.

(2) Drainage easements through structures are not permitted.

(3) Stormwater facilities that are to be maintained by the County shall be located in public right-of-way, or separate tracts dedicated to the County. Approval and acceptance of these stormwater facilities must be granted by the County before dedication to the County is made.

(4) All runoff from impervious surfaces, roof drains, and yard drains shall be directed so as to not create a nuisance nor damage adjacent properties. Wording to this effect shall appear on the face of all final plats/Planned Unit Developments/binding site plans, and shall be contained in any required covenants. [Ord. 1161 §6, 1998]

15.45.190 Runoff Control.

(1) Stormwater runoff shall be limited to the peak rate of runoff under existing site conditions as follows:

(a) 2 year, 24-hour duration design storm event.

(b) 10 year, 24-hour duration design storm event.

(c) 25 year, 24-hour duration design storm event.

(2) Detention shall not be required when discharge is directly to a lake of greater than

300 acres or directly to a major river listed in Figure 2-6.1 of the Washington State Department of Transportation Highway Runoff Manual, February 1995. The Project Engineer shall apply sound engineering judgment in recognizing instances where the risk of damages is such that a higher mean recurrence interval storm should be detained. [Ord. 1161 §6, 1998]

15.45.200 Computation Methods.

(1) The determination of existing and post-development runoff quantities can be analyzed using the following methods.

(a) The TR-55 method can be used to determine peak runoff flows for drainage basins less than 100 acres. This method is not acceptable for estimating detention storage volumes and designing detention facilities.

(b) The Santa Barbara Urban Hydrograph method can be used to determine peak runoff flows and quantities for detention, retention, and water quality systems. [Ord. 1161 §6, 1998]

15.45.210 Hydrologic Analysis and Design Process.

(1) Identify and delineate the overall drainage basin for each discharge point from the project site under existing conditions.

(a) Identify existing land uses.

(b) Identify existing soil types using SCS soil survey, or soils analysis.

(c) Identify existing drainage features such as streams, conveyance systems, ponds, detention facilities, wetlands, ponding areas, depressions, and such.

(2) Select and delineate pertinent sub basins under existing conditions.

(a) Select homogeneous areas which have generally consistent soils, topography and land use.

(b) Select separate sub basin areas for on-site and off-site drainage.

(c) Select separate sub basin areas for major drainage features.

(3) Determine runoff parameters for each sub basin under existing conditions.

(a) Identify pervious and impervious areas.

(b) Select SCS curve numbers.

(c) Compute time of concentration.

(4) Determine allowable release rates for the appropriate design storms.

(a) Compute runoff hydrographs for each design storm from each sub basin under existing conditions.

(b) For sub basins which drain into an existing storage facility, route the hydrographs for each design storm through the existing facility. This computation will yield the attenuated version of the hydrograph which will be representative for the sub basin under existing conditions.

(c) Sum the appropriate sub basin hydrographs to obtain the total hydrograph for the design storm under existing conditions.

(5) Repeat Steps 2 through 4 for the proposed development conditions.

(6) Determine whether peak flow rate and velocity surface runoff under developed conditions meet those under existing conditions.

(a) If the peak runoff rate under proposed development conditions for the 25-year, 24-hour design storm is less than or equal to 0.2 cfs of the peak runoff rate under existing site conditions, then the concentrated runoff may be discharged through a dispersal trough or other dispersal system provided the Applicant can demonstrate that there will be no significant adverse impact to downhill properties or drainage systems.

(b) If the peak runoff rate under proposed conditions for the 25-year, 24-hour design storm exceeds 0.2 cfs of the peak runoff rate under existing conditions, then detention shall be required.

(7) Design and size the detention facility using level pool routing.

(a) Use the developed runoff hydrograph and an iterative process to size the detention facility to meet the required discharge requirements. To meet performance, the developed runoff hydrograph when routed through the new detention facility must not yield an outflow rate greater than the discharge rate for that design storm under existing conditions.

(8) Design and size the new conveyance system for the proposed development. At minimum, conveyance systems shall be designed for the 25 year, 24-hour storm. [Ord. 1161 §6, 1998]

15.45.220 Stormwater Discharge Control Requirements.

(1) Stormwater discharges must be treated and controlled by a suitable combination of BMP's. These BMP's are outlined in DOE's Manual.

(2) The following technical requirements apply to the construction of all stormwater facilities:

(a) Stormwater detention or retention facilities shall be sized according to computational requirements in Sections 6.31 and 6.32. Berm embankments greater than 6 feet in height, as measured through the center of the berm, shall require design by a qualified Geotechnical Engineer licensed in the State of Washington.

(b) Emergency overflows shall be provided at all stormwater storage facilities. The impacts of a system failure at the 100 year, 24-hr storm under developed conditions shall be analyzed to determine on-site and off-site effects. Most likely, an overflow spillway will require the analysis of a broad crested weir. The overflow spillway shall be armored and located to direct overflows safely toward the downstream conveyance system.

(c) All detention or retention ponds, or infiltration ponds should be placed out of

the 100-year flood plain or special flood hazards area referenced in Ch. 15.35 LCC, and shall have a minimum freeboard of one foot above the maximum design water surface elevation of the 25 year event under post development conditions.

(d) All required detention or retention facilities must be constructed and in operation prior to building construction and paving.

(e) Access roads shall have a minimum easement of 20 feet. The minimum road width shall be 10 feet, surfaced with at least six inches of gravel, and grades shall not exceed 15% without the Administrator's approval.

(f) No facilities shall be located in the public right-of-way without the written consent of the Administrator.

(g) Adequate measures shall be incorporated into the design facilities to protect the public from the inherent hazards of such facilities including health risks associated with a failure of the system. All facilities shall be designed in such a manner that system failure will not cause flooding that threatens the safety of the public. Special protective measures may be required by the Administrator to safeguard public health and safety.

(h) Detention and retention facilities may include, but are not limited to, open basins, wet ponds, constructed wetlands, parking lot ponding, underground storage vaults, gravel filled trench storage, infiltration trenches, combinations of the above, or other facilities as outlined in DOE's Manual.

(i) Side slopes for earth lined ponds should not exceed 3 horizontal to one vertical (3:1). Flatter slopes are encouraged. All pond slopes shall be stabilized to prevent slope failure. Applicants are encouraged to install fencing, impenetrable vegetation, or other deterrents for slopes steeper than 3:1 to provide a barrier to entry

of small children or others who may be incapable of climbing out of the facility.

(j) Constructed and graded detention facilities shall be smoothly or evenly sloped no less than 0.005 ft/ft (0.5% slope) toward the outlet.

(k) The facilities should be designed and constructed to minimize the frequency and difficulty of future maintenance. The Applicant should evaluate the range of potential problems that may occur with the system and determine the corrective action. An Operation and Maintenance (O&M) Manual to be prepared by the Applicant's engineer is required. The responsibility to implement the O&M manual shall be identified by the Applicant and recorded. All facilities shall be accessible for maintenance and operation. [Ord. 1161 §6, 1998]

15.45.230 Infiltration Basins.

(1) Infiltration basins may be selected, designed, and maintained according to the latest edition of DOE's Manual. Suggested minimum standards shall be Lewis County's minimum standard. Texture class shall be based on the SCS classified soil type or by field analysis. Soils analysis, including test borings, are necessary for infiltration facilities.

(2) The Applicant shall ensure that the soils information utilized for design is consistent with the actual soil conditions upon completion of construction, prior to final project approval. [Ord. 1161 §6, 1998]

15.45.240 Water Quality.

(1) Lewis County requires that such permitted activities address the development's impact on stormwater quality as well as quantity. The objectives of providing stormwater treatment BMP's are, for both surface and ground waters, to protect the quality and quantity, and to allow attainment of the designated uses.

(2) Stormwater BMP's are required as part of all development activity. A selection process to determine if a BMP is appropriate for a given use and site outlined in DOE's Manual should be used to determine appropriate water quality BMP's. BMP's which are specified in DOE's Manual, and those set forth in this Section have been pre-approved for use.

(3) The County reserves the right to require an engineering analysis of any proposed practice or design before Approval. Plans not specifically pre-approved are subject to the review and approval by the Administrator. [Ord. 1161 §6, 1998]

15.45.250 Illicit Discharges, Connections, and Uses.

(1) The stormwater system of Lewis County may only be used to convey stormwater runoff. A stormwater system shall mean all natural and man-made systems which function together or independently to collect, store, purify, discharge, and convey stormwater. All stormwater facilities and natural systems such as streams and creeks which convey, store, infiltrate, or divert stormwater are included.

(2) Illicit discharges to the stormwater system are prohibited. No person shall use this system, directly or indirectly, to dispose of any solid or liquid matter. No person shall make any connection to the stormwater system which could result in the discharge of polluting matter. Connections to the stormwater system from the interiors of structures; and for any purpose other than to convey stormwater or groundwater are prohibited and shall be eliminated. [Ord. 1161 §6, 1998]

15.45.260 Pollution Control Device Maintenance.

Owners and operators of oil/water separators, wet ponds, biofiltration/biofilter

facilities, sediment and erosion control systems, infiltration systems, and any other pollution control devices shall operate and maintain such control devices to assure that performance meets the intended level of pollutant removal. [Ord. 1161 §6, 1998]

15.45.270 Exemptions.

The following discharges are exempt from the provisions of this section:

(1) The regulated effluent from any commercial or municipal facility holding a valid state or federal wastewater discharge permit for such effluent.

(2) Acts of nature not compounded by human negligence.

(3) Properly operating on-site permitted domestic sewerage systems.

(4) Properly applied agricultural chemicals and materials. [Ord. 1161 §6, 1998]

15.45.280 Source Control BMP's.

Source control BMP's may be selected, designed, and maintained according to the latest edition of the Manual by DOE. [Ord. 1161 §6, 1998]

15.45.290 Runoff Treatment BMP's.

(1) Runoff treatment BMP's shall be sized to intercept and treat the water quality storm, identified as the 6-month, 24-hour storm event. A high priority for treatment shall be to infiltrate as much as practicable of the design storm runoff. Ground water recharge is only recommended when site conditions are appropriate and ground water quality will not be impaired.

(2) Direct discharge of polluted, untreated stormwater to ground water is prohibited.

(3) Runoff treatment BMP's shall be selected, designed, and maintained according to the latest edition of DOE's Manual. [Ord. 1161 §6, 1998]

15.45.300 Streambank Erosion Control BMP's.

(1) Streambank erosion control BMP's are designed to prevent or control excessive erosion to streams. When an adopted plan or completed engineering study indicates a receiving water body is experiencing chronic streambank erosion problems, then BMP's to reduce streambank erosion shall be applied.

(2) BMP's for peak runoff rates shall be selected, designed, and maintained according to the latest edition of appropriate technical references in LCC 15.45.120. [Ord. 1161 §6, 1998]

15.45.310 Erosion and Sedimentation Control BMP's.

Erosion and sedimentation control BMPs are designed to prevent, minimize, or capture sediments and pollutants released during construction or under post project conditions. Some of these BMP's may be to trap sediments before it reaches the storm drainage detention system; to prevent or minimize vehicular tracking away from the project site; to address effects of seepage and slope failure; to construct energy dissipaters, bank reinforcement, and retaining walls; to landscape; or to stabilize exposed soils. These BMP's may be either source control, runoff treatment, or streambank control BMP's which can be selected, designed, and maintained according to the appropriate technical references in LCC 15.45.120. [Ord. 1161 §6, 1998]

15.45.320 Wetland Quality Control BMP's.

(1) Pursuant to the Critical Areas Chapter as set forth under Ch. 17.35 LCC, wetlands shall not be used for the treatment of stormwater except when the functions and values of the existing wetland are enhanced by the creation of a constructed

wetland and not materially degraded by its use in stormwater management.

(2) Wetland quality control BMP's are designed to prevent or control the degradation of water quality entering regulated wetland eco-systems. The requirements of this Section apply only to situations where stormwater discharges through a conveyance system into a wetland.

(3) Discharges to wetlands shall approximate the saturation period and flows of existing site conditions to the extent necessary to protect the important characteristic uses of the wetland.

(4) Prior to discharging to a wetland, alternative discharge locations shall be evaluated. Natural water storage and infiltration opportunities outside the wetland shall be optimized to the extent practicable. Proposed discharges to wetlands shall be subject to review and compliance under the applicable provisions of Ch. 17.35 LCC. [Ord. 1161 §6, 1998]

Article VII. Maintenance and Operation

15.45.330 General Provisions.

Proper maintenance of public and private stormwater facilities is necessary to ensure that they serve its intended function. Without adequate maintenance, sediment and other debris can clog and render the facilities useless. Rehabilitation of these facilities often is expensive, and may be impractical for infiltration systems. Polluted water and sediments removed during the cleaning operation must be disposed of properly. [Ord. 1161 §7, 1998]

15.45.340 Maintenance of Stormwater Facilities by Owners

Any person or persons holding title to a non-residential property for which stormwater facilities and BMP's have been required shall also be responsible for the continual operation, maintenance, and repair of said stormwater facilities and BMP's in

accordance with the provisions of this Chapter. [Ord. 1161 §7, 1998]

15.45.350 Maintenance Covenant Required for Privately Maintained Drainage Facilities.

(1) Prior to final approval on a permit, and use or occupancy of the improvement, the Owner shall execute and record a Maintenance Covenant, in form and content acceptable to the Administrator, which guarantees that the stormwater facilities shall be properly operated, maintained, and inspected.

(2) The restrictions set forth in the Covenant shall be included in any instrument of conveyance of the subject property and shall be recorded with the County Auditor. Such Covenant shall run with the land, and shall be binding upon such owner's heirs, successors, and assigns. [Ord. 1161 §7, 1998]

15.45.360 Financial Responsibility.

(1) Property owners are financially responsible for the inspection, maintenance, operation, and repair of stormwater systems not specifically accepted for maintenance by the County through the development process. Property owners shall maintain, operate, and repair these facilities in compliance with the requirements of the O & M Manual or Maintenance Plan, and these standards.

(2) Financial responsibility may include reimbursing the County for its costs to perform inspections to verify compliance as described in the Maintenance Plan.

(3) In the event the County must take action to correct a stormwater system not properly, safely or expeditiously operated, repaired or maintained, the costs of such action, including County operation, repair or maintenance assistance, or County court costs and reasonable attorney fees, shall be charged to said property owners and the

same may become lien upon said property(s) upon judicial determination. [Ord. 1161 §7, 1998]

Article VIII. Review and Approval

15.45.370 General Provisions.

(1) This jurisdiction will review all drainage related submittals for general compliance with these criteria. The County's review and approval of storm drainage plan shall not relieve the Applicant, Owner, or Project Engineer from responsibility for ensuring that all facilities are safe, that other property owners are not adversely affected, and that calculations, plans, specifications, construction, and as-built drawings comply with normal engineering standards, this Chapter, and all applicable federal, state, and local laws and codes.

(2) Any property owner prior to submitting any permit application that may require a storm drainage plan may request a preliminary review of the proposal by the Administrator. Such preliminary review shall not be binding upon either party. [Ord. 1161 §8, 1998]

15.45.380 Final Project Approval.

(1) The jurisdiction will not approve plats, grant certificates of occupancy, release financial securities related to drainage and erosion control, or accept final construction until the following have been completed:

- (a) Letter of Certification .
- (b) Filing of covenants on lots, property owners association articles, maintenance agreements, and agreements with adjacent property owners.
- (c) Conditions of approval fulfilled.
- (d) Special requirements on the cover sheet of plat, such as drywell or surface retention pond sizes, and an easement for protection and maintenance.

(2) A letter of certification shall be submitted to Lewis County Public Works

stating that the constructed drainage facilities conform to the approved plans and specifications. The Letter of Certification shall bear the seal and signature of a licensed Civil Engineer, or the notarized signature of the Owner (where an engineered design was not required) swearing to such conformance. [Ord. 1161 §8, 1998]

Article IX. Fees

15.45.390 General Provisions.

(1) This fee shall be as set forth in Title 18 LCC.

(2) All fees for application and issuance of Storm Drainage Approval shall be paid to the Public Works Department.

(3) The Public Works Director and Community Development Director shall prepare an administrative agreement providing for transfer of such collected funds to the Lewis County Road Fund and/or the Lewis County Flood Control Zone Fund in such amounts as to provide for reimbursement of costs to these funds.

(4) The Administrator shall index and maintain for public inspection all records pertaining to the provisions of this Chapter. [Ord. 1158A, 1999; Ord. 1161 §9, 1998]

Article X. Covenants, Securities and Bonds.

15.45.400 Liability.

Liability for any adverse impacts or damages resulting from work performed in accordance with any permit or approval issued on behalf of Lewis County for the development of any site shall be the sole responsibility of the Owner. [Ord. 1161 §10, 1998]

15.45.410 Securities.

(1) For developments which involve a risk of property damages or possible hazards, the Administrator may require from

the Applicant a licensed surety, irrevocable letter of credit from a financial institution, or other like security acceptable to the County prior to the issuance of Storm Drainage Approval.

(2) The following provisions shall apply in instances where such securities are required:

(a) The amount of any security shall not serve as a gauge or limit to the compensation collected from a property owner as a result of damages associated with any storm drainage activity.

(b) Securities shall be retained until the completion of any project involving storm drainage activity or following a prescribed trial maintenance period, normally two years.

(c) Securities and/or financial assurances provided in accordance with this Chapter may be redeemed in whole or in part by the County upon determination by the Administrator that any or all of the following exist:

(i) Failure on the part of the party providing such assurances to fully comply, within the time specified, with approved plans and/or any corrective or enforcement actions mandated by this Chapter; or

(ii) Damages to public or property arising from the activities for which the assurance or security was required. [Ord. 1161 §10, 1998]

15.45.420 Performance Covenant for Site Stabilization.

(1) For a project site involving a single family residence with less than 5 acres of land disturbing activity, a Performance Covenant, of such form and of such content acceptable to the Administrator, may be recorded in lieu of performance surety prior to issuance of a Land Use Development Permit to guarantee the County that temporary erosion and sedimentation control and permanent site stabilization measures

will be performed in accordance with this Chapter.

(2) The Covenant shall be recorded with the Lewis County Auditor and shall run with the land until the County issues final acceptance of the permitted activities, or until a separate performance bond is posted prior to final project approval. Upon issuance of final project approval, the Department of Public Works will record a document that extinguishes the Performance Covenant.

(3) If the site work is determined by the Administrator to be in violation of this Chapter, the County may enforce the Performance Covenant to provide temporary and permanent site stabilization. In this case, the Applicant will be charged for all associated costs and, if required, a lien may be placed on the property. [Ord. 1161 §10, 1998]

15.45.430 Performance Surety for Site Stabilization.

(1) For project sites with 5 or more acres of land disturbing activity, a Performance Surety, of such form and of such content acceptable to the Administrator, shall be posted prior to issuance of a Land Use Development Permit to guarantee the County that temporary erosion and sedimentation control and permanent site stabilization measures will perform in accordance with this Chapter.

(2) The amount of the Performance Surety shall be as follows:

(a) One hundred twenty five percent (125%) of the estimated cost of performing minor grading and installing temporary erosion and sedimentation control, and permanent site stabilization measures to bring the construction site into compliance with the Chapter. A cost estimate shall be submitted by the Project Engineer subject to the approval of the Director. The minimum amount of the licensed surety shall be five thousand dollars (\$5,000.00); or

(b) One thousand dollars (\$1,000.00) per acre of land disturbing activity. No Project Engineer's estimate is required.

(3) If the site work is determined by the Administrator to be in violation of this Chapter, the County may use the Performance Surety to provide temporary and permanent site stabilization. All Performance Sureties shall run continuously until released by the County, and shall not be subject to an expiration or cancellation date. [Ord. 1161 §10, 1998]

15.45.440 Performance Surety for Uncompleted Site Improvements.

(1) For single family residential developments, a Performance Surety, of such form and of such content acceptable to the Administrator, shall be provided prior to the final recording of the plat/PUD, guaranteeing completion of all site improvements not yet completed. The amount of the Performance Surety shall be one-hundred twenty five percent (125%) of the estimated cost of said improvement. The estimated cost of the construction shall be determined by a Professional Engineer subject to the approval of the Administrator.

(2) All Performance Sureties shall run continuously until released by the County, and shall not be subject to an expiration or cancellation date. [Ord. 1161 §10, 1998]

15.45.450 Maintenance Bond.

(1) A Maintenance Bond, of such form and of such content acceptable to the Administrator, is required for residential plats/PUDs and other projects where maintenance of the stormwater facilities or roads is to ultimately be taken over by the County.

(2) Prior to the final approval of construction and release of any performance sureties, a Maintenance Bond must be posted and maintained by the Owner for a period of two (2) years. The Maintenance

Bond shall guarantee the constructed stormwater facilities and roads against defects and/or failures in workmanship, and shall guarantee that the constructed facilities will be regularly and adequately maintained throughout the maintenance period. At the end of this time, the County will inspect the system, and when the facility is acceptable and eighty percent (80%) of the lots in that phase have been improved, the County will take over the maintenance and operation of the system. In the event that eighty percent (80%) of the lots in a residential development have not been improved by the end of the two year maintenance period, the Maintenance Bond may be extended, subject to the approval of the Administrator, for one (1) additional year.

(3) The amount of the Performance Bond shall be twenty five percent (25%) of the estimated construction cost of the stormwater facilities and roads requiring maintenance, or five thousand dollars (\$5,000.00), whichever is greater. The construction cost of the facilities requiring maintenance shall be estimated by the Project Engineer, subject to the approval of the Administrator. [Ord. 1161 §10, 1998]

Article XI. Procedures and Enforcement.

15.45.460 Approval.

The Administrator shall approve or deny Approval within applicable guidelines of this Chapter or County Code, or return the application to the Applicant for modification or correction within thirty (30) days unless the Applicant consents in writing to an extension of such time. [Ord. 1161 §11, 1998]

15.45.470 Variance.

(1) The Administrator shall receive and decide requests for variances.

(2) A written application for a variance request shall be submitted in conjunction with any permit application, and any notice

required for such application shall include notice of the request for variance.

(3) Standards of Review. In deciding upon a request for variance, the Administrator shall consider all technical evaluations, all relevant factors, standards specified in this Chapter, purposes and intents of this Chapter, and the following:

(a) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the vicinity;

(b) The granting of the variance will meet the objectives of safety, function, appearance, environmental protection, and maintainability based on sound engineering judgment;

(c) The variance will produce a compensating or comparable result which is in the public interest; and

(e) Whether there are special physical circumstances or conditions affecting said property such that the restrictive application of these regulations would deprive the Applicant of all reasonable use and development of the land.

(4) Decisions of the Administrator regarding a variance or combined variance and permit application may be appealed as described in LCC 15.45.480. [Ord. 1161 §11, 1998]

15.45.480 Minor Technical Accommodations.

The Administrator may allow minor technical accommodations in the design of a stormwater facility within the technical requirements of Article VI, hereunder, upon a sufficient showing by the Applicant that all of the following have been met:

(1) The technical accommodation will not result in non-compliance with the remainder of the provisions of these regulations;

(2) The granting of the accommodations will not result in non-compliance with the development conditions imposed upon the

project by other applicable County permits and approvals;

(3) The granting of the accommodation will produce a compensating or comparable result which is in the public interest; and

(4) The granting of the accommodation will meet the objectives of safety, function, appearance, environmental protection, and maintainability based on sound engineering judgment. [Ord. 1161 §11, 1998]

15.45.490 Appeals.

(1) Hearing Examiner. Any final decision of the Administrator in the interpretation and application of this Chapter may be appealed to the County Hearing Examiner pursuant to county procedures and regulations thereto; except, that such appeal may be consolidated by the Administrator, Building Official or Department of Community Development with other appeals, brought under Ch.s 1.20 and 2.25 LCC, and Title 15 LCC, regarding the same subject matter, case, or controversy, and shall be thereafter be heard as a consolidated appeal by the Hearing Examiner pursuant to Ch. 2.25 LCC.

(2) Standards of Review. The Hearing Examiner may reverse, modify, or affirm wholly or in part the decision of the Administrator. The Hearing Examiner shall consider the following in his or her decision to either grant or deny the variance:

(a) The application;

(b) The recommendation of the Administrator; and

(c) The general purposes and intent of this Chapter.

(3) Judicial Review. Those aggrieved by the decision of the Hearing Examiner may appeal such decision to the Superior Court of Lewis County, WA, pursuant to county procedures and regulations under Ch. 2.25 LCC. [Ord. 1161 §11, 1998]

15.45.500 Penalties and Enforcement.

(1) It shall be unlawful for any person, firm, corporation, or association, or agent thereof, to violate any provision of these regulations, or any provisions of regulations adopted by reference in this Chapter. Any such person or other such party who violates any provision of these regulations or regulations required thereunder shall be subject to the penalties and provisions of LCC 1.20.020 and LCC 1.20.040, and as follows:

(a) Violations a Public Nuisance. The following are hereby declared to be unlawful and a public nuisance:

(i) Any development or construction which is contrary to the provisions of this Chapter;

(ii) Any work done or action taken with respect to any development or construction, or product thereof, which is contrary to the provisions of this Chapter; and

(iii) Any violation of any provision of this Chapter.

(2) The Administrator or county code compliance officer shall take steps to abate public nuisances as defined herein. The Prosecuting Attorney may also commence an action or actions, proceeding or proceedings for the abatement, removal, or enjoinder of public nuisances as defined herein. The power hereby granted to abate a public nuisance shall be construed broadly.

(3) Stop Work Orders shall mean a written notice signed by the Administrator that is posted on the site of an unlawful construction activity or development which states that a violation of this Chapter has occurred, and that all unlawful activity or development, except for erosion and sedimentation control activities, is to immediately cease until and unless notice is thereafter given by the Administrator to proceed. A Stop Work Order may be issued whenever there is reason to believe that there is a violation of the provisions of this

Chapter. Failure to immediately abide by the Stop Work Order may result in issuance of a notice of civil penalty or initiation of enforcement actions, as noted in this section.

(4) Compromise, Settlement and Disposition of Suit. The Prosecuting Attorney is hereby authorized to enter into negotiations with the parties or their legal representatives named in a lawsuit for the collection of civil penalties to negotiate a settlement, compromise, or otherwise dispose of a lawsuit when to do so will be in the best interest of the County. [Ord. 1180 §21, 2002; Ord. 1161 §11, 1998]

Chapter 15.50

WIRELESS COMMUNICATIONS FACILITY

Sections:

- 15.50.010 Purpose.
- 15.50.015 Applicability and exemptions.
- 15.50.020 Definitions.
- 15.50.025 Site location of wireless communication facilities.
- 15.50.030 Development standards.
- 15.50.035 Design standards.
- 15.50.040 Permitting process.
- 15.50.045 Abandonment and removal.
- 15.50.050 Fees and penalties.

15.50.010 Purpose.

The purpose of this chapter is to protect the health, safety, and welfare of the citizens of Lewis County, to ensure that permitting of wireless communication services is consistent with the Lewis County Building Code, Comprehensive Plan and associated development regulations, and to:

(1) Strongly promote and encourage collocation of new and existing wireless communications antennas to minimize the total number of support structures and towers throughout the County;

(2) Encourage the location of support towers and antenna arrays in non-residential and non-school zones; and

(3) Encourage careful design, siting, and landscape screening in development of new wireless communication facilities in relation to residential and school zone areas and vistas. [Ord. 1177A §1, 2001]

15.50.015 Applicability and exemptions.

(1) Applicability. All wireless telecommunications facilities which are not exempt pursuant to this section shall conform to the standards specified in this chapter.

(2) Exemptions. The following are exempt from the provisions of this chapter and shall be allowed in all zones:

(a) Wireless communication facilities which were legally established prior to the effective date of this ordinance.

(b) Temporary wireless communication facilities used for temporary emergency communications in the event of a disaster, emergency preparedness, and public health or safety purposes;

(c) Two-way communication transmitters used for temporary or emergency services including, but not limited to fire, police, and ambulance services;

(d) Licensed amateur (Ham) radio stations and citizen band stations;

(e) Any maintenance or repair of previously approved wireless communication facilities provided that such activity does not increase height, width, or mass of the facility;

(f) Roof-mounted dish antennas used for residential purposes, and VHF and UHF receive-only television antennas, provided they are fifteen (15) feet or less above the existing or proposed roof of the associated residential structures.

(g) The installation and use of an antenna or antennas smaller than one (1) meter in diameter, or one (1) meter in any direction, for use by a private dwelling occupant for personal, home occupation, utility monitoring or private telecommunications purposes. [Ord. 1177A §1, 2001]

15.50.020 Definitions.

Terms used in this chapter shall have the following meanings:

(1) Administrator: The director of the Community Development Department or his/her designee.

(2) Antenna Array: One or more rods, panels, discs or similar devices used as antennas for the transmission or reception of

radio frequency signals. The antennas may include omni-directional, directional or parabolic types of antennae. The Antenna Array does not include the support structure or support tower, defined below.

(3) [Reserved.]

(4) Auxiliary Support Equipment: All equipment necessary and/or desirable to process wireless communication signals and data, including but not limited to, electronic processing devices, air conditioning, emergency generators, and cabling interface devices. For the purposes of this chapter, auxiliary equipment shall also include the shelter, cabinets, and other structural facilities used to house and shelter necessary equipment. Auxiliary equipment does not include support towers or structures.

(5) Camouflage: The use of both existing and future technology through which a wireless communications facility (WCF) is designed and constructed to resemble an object that is not a WCF and which is typically present in the environment.

(6) Collocation: Use of a common wireless communications support structure or tower by two or more wireless license holders for two or more antenna arrays.

(7) Federal Aviation Administration (FAA): The federal regulatory agency responsible for the safety of the nation's air traffic control system, including airspace impacted by wireless communications support structures and towers.

(8) Federal Communications Commission (FCC): The federal regulatory agency charged with regulating interstate and international communications by radio, television, wire, satellite, and cable.

(9) Height: When referring to a wireless communications facility, height shall mean the distance measured from the original grade at the base of the tower to the highest point on the support tower or structure, including the antenna(s). This measurement shall not include any lightning rods or other

inactive devices less than eight (8) feet in length intended solely to ground or otherwise protect the facility.

(10) Infrastructure Provider: An applicant whose proposal includes only the construction of new support towers or auxiliary structures to be subsequently utilized by other service providers.

(11) Microcell: A wireless communications facility consisting of an antenna that is either:

(a) Four (4) feet in height and with an area of not more than five hundred eighty (580) square inches; or

(b) if a tubular antenna, no more than four (4) inches in diameter and no more than six (6) feet in length.

(12) Monopole: A support tower composed of a single spire used to support one or more antenna(s).

(13) Radiofrequency (RF) Energy: The energy used by cellular telephones, telecommunications facilities, and other wireless communications devices to transmit and receive voice, video and other data information.

(14) Residential area or district: Any area or district which has as its primary purpose single or multi-family residences.

(15) Setback: The required distance from any structural part of a wireless communication facility (including support wires, support attachments, auxiliary support equipment and security fencing) to either the property line of the parent parcel on which the wireless communication facility is located or to the nearest residence or school, depending on location.

(16) School zone or property: Any zone or property containing public or private elementary or secondary school facilities whose primary purpose is schooling or education.

(17) Support Structure: An existing building or other structure to which an antenna is or will be attached, including, but not limited to, buildings, steeples, water

towers, and signs. Support structures do not include support towers or any building or structure used for residential purposes.

(18) Support Tower: A structure designed and constructed exclusively to support a wireless communication facility or an antenna array, including monopoles, self-supporting towers, guy-wire support tower, and other similar structures.

(19) Temporary Wireless Communication Facility (Temporary WCF): Any wireless communication facility which is to be placed in use for not more than 60 days, is not deployed in a permanent manner, and does not have a permanent foundation.

(20) Urban: includes all development contained within areas characterized and mapped under the Lewis County Comprehensive Plan as having “urban growth” as defined in RCW 36.70A.030(17): including, but not limited to, Urban Growth Areas–City/County; Small Towns-Mixed Use/Commercial; and Small Towns-Residential under the current Lewis County Comprehensive Plan and Title 17 LCC development regulation designations. “Urban residential” includes all residential development contained within such mapped and designated areas.

(21) Utility Pole Placement/Replacement: Placement of antennas or antenna arrays on existing or replaced structures such as utility poles, light standards, and light poles for streets and parking lots. Utility pole replacements shall not be considered new support towers.

(22) Wildlife habitat or priority habitat. Washington State Department of Fish and Wildlife Priority Habitats and Species Recommendations for Species and Habitats, listed in Ch. 232-12 WAC, or federally designated threatened or endangered species habitats legally applicable to Lewis County

(23) Wireless Communications: Wireless Communications shall mean any

personal wireless services as defined by the Federal Telecommunications Act of 1996, including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar FCC licensed commercial wireless telecommunications services that currently exist or that may in the future be developed.

(24) Wireless Communications Facility (WCF). Any unstaffed facility for the transmission and/or reception of radio frequency (RF) signals, which includes, but is not limited to, all auxiliary support equipment, any support tower or structure used to achieve the necessary elevation for the antenna, transmission and reception cabling and devices, and all antenna arrays. [Ord. 1177A §1, 2001]

15.50.025 Site location of wireless communication facilities.

(1) Location Priorities. New wireless communications facilities shall be in conformance with all applicable standards as provided by this chapter. Facility preferences are listed in descending order with the highest preference first.

(a) Collocation with legally existing WCFs on support structures or support towers in non-residential and non-school zone areas;

(b) Collocation with legally existing WCFs on support structures or support towers in residential and school zone areas;

(c) New attached WCFs on support structures not currently used for other WCFs, in non-residential and non-school zone areas;

(d) New attached WCFs on support structures not currently used for other WCFs, in residential and school zone areas;

(e) New support towers.

(2) Lease Areas.

(a) Lease areas for new support towers shall be created in accordance with State and County platting laws, as

applicable, or shall be created by binding site plan in accordance with RCW 58.17.035 and Title 16 of the Lewis County Code.

(b) Except as otherwise required in this chapter, lease areas for new support towers shall be exempt from all lot standards of any zone in which they are permitted.

(3) Zoning Requirements. Notwithstanding the siting preferences recommended under subsections (1)(a-e), above, wireless communications facilities are permitted in all County zones, within and without the Urban Growth Areas, consistent with the provisions of this ordinance and, in particular, the development and design standards under LCC 15.50.030 and 15.50.035. [Ord. 1177A §1, 2001]

15.50.030 Development standards.

(1) Collocation.

(a) The County shall deny an application for a new support tower if the applicant does not demonstrate a good faith effort to collocate on an existing facility. Applicants for new support towers shall demonstrate to the Planning Director that collocation is not feasible by showing that at least one of the following conditions exists:

(i) No existing towers or structures are located within the applicant's projected or planned service area for their facility; or

(ii) Existing towers or structures do not meet minimum structural specifications or cannot be reconfigured to achieve sufficient height for efficient and effective operations; or

(iii) Collocation would cause a non-conformance situation (e.g., exceeding height restrictions); or

(iv) Collocation would result in electronic, electromagnetic or other radio frequency interference with existing or proposed installations; or

(v) A reasonable financial arrangement between the applicant and the

owner(s) of existing facilities could not be reached.

(b) Carriers who collocate on existing towers or structures shall be allowed to construct or install accessory equipment and shelters as required for facility operation. Such development shall be subject to regulations under the Uniform Building Code (UBC), applicable development standards of the underlying zone, and applicable development standards pursuant to this chapter (e.g., lighting, security, signage).

(c) All new support towers allowed under this ordinance shall be designed for, and the owner shall not deny, collocation of public safety communications equipment at fair market value or other cost agreed by the parties in order to mitigate wireless communication interference with public safety communications.

(2) New Support Towers. The following standards shall apply to new support towers:

(a) All new support towers shall accommodate collocation opportunities for a minimum total of two (2) antenna arrays. A height bonus of up to twenty (20) percent of the maximum tower height allowed in LCC 15.50.060(A)(2)(a) is allowed with one or more additionally proposed antenna arrays if the screening requirements of LCC 15.50.060(A)(2)(b) are met.

(b) A support tower owner approved under this ordinance shall not deny a wireless provider the ability to collocate on their facility at a fair market rate or at another cost basis agreed to by the affected parties.

(c) New support tower installations shall be a minimum of one thousand (1000) feet from designated scenic highways located outside of incorporated areas within the county.

(d) New support towers shall be a minimum of one thousand (1000) feet from

all sites listed on the National Register of Historic Places;

(e) New support towers within a thousand (1000) feet of a priority habitat or endangered/threatened species area shall be reviewed for possible impacts to fish and wildlife.

(f) New support towers within one (1) mile of any public safety building such as a police or fire station shall be reviewed with Lewis County Emergency Services and Emergency Management for possible interference with public safety communications.

(g) Final site plan approval for support towers shall not be issued to infrastructure providers until one or more wireless communications service providers that are to use the support tower have been identified to the County.

(3) Utility pole placement/replacement. Placement of antennas or antenna arrays on existing structures such as utility poles, light standards, and light poles for street and parking lots shall be encouraged. Utility pole replacement proposals shall not be considered new support towers, and parcel size, setback, landscaping, and screening requirements of this chapter shall not apply. Utility pole replacements are subject to the following:

(a) The existing structure may be replaced with a similar diameter pole not exceeding fifteen (15) additional feet in height. Such increase in height shall only be allowed for the first replacement on the pole.

(b) The pole extension may not exceed the diameter of the pole at the mounting point for the antennas.

(c) For placement or replacement in the public rights-of-way, auxiliary support equipment shall be mounted on the pole or placed underground. No at-grade support equipment is permitted within the public right-of-way.

(d) Replacements in public rights-of-way are specifically subject to the applicable provisions of Chapter 12.20 LCC (Utilities Installations Within Rights of Way.), and Chapters 12.40 & 12.45 LCC (Telecommunications).

(4) Signage. Wireless communication towers and antenna(s) shall not be used for signage, symbols, flags, banners, nor other devices or objects attached to, designed into or painted on any portion of a WCF except: emergency information, public safety warnings, and any additional signage required by a governmental agency shall be displayed in an appropriate manner.

(5) Noise. Wireless communication facilities shall not generate noise levels in excess of maximum standards set forth in Ch. 173-60 WAC. Generators may be operated only for emergency operation purposes. If air conditioning or other noise generating equipment is proposed, the applicant shall provide information detailing the expected noise level and any proposed mitigation measures. This may require noise attenuation devices or other technical or physical measures to minimize noise levels. [Ord. 1177A §1, 2001]

15.50.035 Design standards.

(1) Height. The following height restrictions for new WCFs shall apply:

(a) Support structures. Attached WCFs shall not add more than fifteen (15) feet in height to the support structure (including utility pole replacements) to which they are attached.

(b) New support towers. New support tower heights are limited to the following:

(i) In rural areas the maximum height shall be one hundred fifty (150) feet.

(ii) In urban non-residential and non-school zone areas the maximum height shall be one hundred and twenty (120) feet.

(iii) In urban residential and school zone areas the maximum height shall be eighty-five (85) feet.

(iv) In all areas, antennas or antenna arrays shall not add more than fifteen (15) feet in height to the support tower to which they are attached.

(c). Tower height may be increased as a height bonus of up to twenty (20) percent if eighty (80) percent of the total tower height is screened; provided, however, that vegetation which causes interference with antennae may be trimmed without loss of the height bonus.

(2) Setbacks.

(a) All new support towers in rural areas shall maintain a minimum 50-foot setback from the property line of the parent parcel or a distance equal to or greater than the tower height from the nearest residence or school facility on adjacent parcels, whichever is greater.

(b) All new support towers in urban areas shall maintain a setback equal to or greater than the tower height from the nearest residence or school facility on adjacent parcels.

(c) Setbacks for auxiliary structures shall be those of the underlying zoning district or a minimum of twenty-five (25) feet, whichever is greater.

(3) Landscaping and Screening.

(a) A landscaping and screening plan, as applicable, shall be submitted with all new support tower applications.

(b) Screening. For new towers within one thousand (1000) feet of scenic highways, sites listed on the National Register of Historic Places, a priority habitat or endangered/threatened species area, or urban residential and school zone areas, the following shall be required:

(i) Screening of new towers with tower-obscuring vegetation or with existing structures or topography is preferred.

(ii) If subsection (i) cannot be reasonably complied with, new support

towers shall be screened with vegetation appropriate to the site. Such vegetation shall consist of native tree species which will reach a height of thirty (30) feet or more (and having a plant-maturity of six years at the time of transplanting to the site) and be substantially opaque year round. The screening shall be permanently maintained.

(c) All new support towers and associated structures shall be fully enclosed within a minimum six-foot (6') high security fence, at all times gated and locked; EXCEPT, that fencing and buffering are not required on any site side where fencing can intersect an existing structure, which is the functional equivalent to fencing and buffering for access-control and minimum height. For new towers within one thousand (1000) feet of scenic highways, sites listed on the National Register of Historic Places, a priority habitat or endangered/threatened species area, or urban residential and school zone areas, a minimum five-foot (5') landscape, vegetative buffer shall be established surrounding the enclosure; EXCEPT, that a landscaped berm may be substituted for the required vegetation buffer. The required landscaping shall be permanently maintained.

(4) Color. For all new wireless communications facilities, the following criteria shall apply:

(a) Unless otherwise required by the FAA, all support towers and antennas shall have a non-glare finish and blend with the natural background.

(b) Attached WCF's shall be of a neutral color that matches the color of the supporting structure to the greatest extent to minimize visual impacts.

(5) Lighting. Except as required by the FAA, artificial lighting of wireless communications towers shall be prohibited. When allowed under FAA regulations, white strobe lighting of wireless communications towers shall be timed or photocell-controlled to operate only during

daylight conditions; red strobe lighting is permissible at all times. Security lighting for equipment shelters or cabinets and other on-the-ground auxiliary equipment is allowed, as long as lighting utilizes “cut-off” type fixtures and is down-shielded to keep direct light within the site boundaries.

(6). Variances. Any applicant may request a variance under the design standards of this chapter. Requests for variance shall be made in writing to the Lewis County Hearings Examiner in accordance with the procedures and criteria specified in the LCC 17.160.040 (Variances). Appeal may be taken in accordance with LCC 15.50.040(3), below. The applicant shall demonstrate, in addition to the above criteria, the following:

(a) Strict adherence to the provisions of this chapter will result in an inability of the applicant to provide adequate WCF services within Lewis County; and

(b) The granting of the variance will not adversely affect views from designated scenic highways or recognized areas of historic or cultural significance. [Ord. 1177A §1, 2001]

15.50.040 Permitting process

Applications for the locating and development of wireless communications facilities, and permit approval shall include the following:

(1) Application content for all facilities:

(a) A narrative demonstrating how the proposal meets the criteria in the above sections involving Site Location, Development Standards, and Design Standards.

(b) A comprehensive description of the existing or proposed facilities including the technical reasons for the design and configuration of the facility, design and dimensional information, coverage schemes, and the capability of future collocation opportunities.

(c) Documentation that establishes the applicant’s right to use the site shall be provided at the time of application by a copy of the proposed lease agreement, easement agreement or license agreement; or, in the alternative, a copy of a recorded memorandum of lease (or other agreement) between the parcel owner(s) and the applicant.

(d) If camouflage technology is proposed, the applicant shall provide a complete description of the suggested camouflage, including style and materials to be used, a photographic depiction of the proposed facility, and a maintenance plan detailing provisions for the continued effectiveness of the suggested camouflage for the life of the facility.

(e) An analysis of the proposal area and discussion of factors influencing the decision to target the proposed location. Such analysis shall include the good faith efforts and measures taken to secure a higher priority location; how and why such efforts were unsuccessful; and how and why the proposed site is essential to meet service demands for the geographic service area.

(f) The application materials shall include a photographic analysis of the proposed site, including a representation of existing conditions and photographic simulations depicting views of any new support structures or towers.

(g) Any additional applicable information the Administrator deems necessary to adequately review the proposal.

(2) Additionally, application content for new support towers:

(a) A site plan, which in addition to the relevant tower descriptions above-noted, clearly indicates the location of the proposed facility in relation to:

(i) Significant features within one thousand (1000) feet including, but not limited to, existing and/or proposed site structures, public rights-of way, residential developments (i.e., subdivisions, master

planned communities, and urban residential areas), adjacent land uses, and properties used for public purposes;

(ii) Governmental jurisdictional boundaries within five hundred (500) feet of the proposal boundaries; and

(iii) Priority habitat and endangered/threatened species habitat areas within a thousand (1000) feet as mapped or defined by the state or federal departments of Fish and Wildlife.

(b) Elevation drawings of the proposed site and facility, including the tower, equipment structures, antennas, mounts and, if applicable, any existing structures, if deemed relevant for screening or analyses. Other applicable features, including but not limited to security fencing and screening shall be included.

(c) Proposals for new support towers shall include a detailed landscaping and screening plan, including existing and proposed vegetation, installation procedures, and landscaping/screening maintenance plans.

(d) Applicants shall present an analysis of existing WCF's within the intended service area, describing the status of collocation opportunities at these sites. The County may deny a new support tower proposal if future collocation is not provided or if the applicant is unable to demonstrate to the satisfaction of the Administrator that collocation on an existing tower is not feasible within the intended service area.

(e) The application materials shall include a report stamped, dated and signed by a licensed professional engineer registered in the State of Washington demonstrating the following:

(i) The facility complies with all requirements of the Uniform Building Code;

(ii) The structural capability of the facility will support collocated antennas (if applicable);

(iii) The facility complies with all applicable standards of the FAA and FCC, including RF energy standards.

(iv) The basis for the calculation of capacities.

(f) The location of new support towers in relation to any national wildlife refuge.

(g) Applicants shall provide evidence of compliance with FAA requirements at the time of application.

(h) All applicable fees are paid at the time of application submission.

(3) Application review and appeal.

(a) All wireless communications facility applications shall be heard in an open record hearing by the Lewis County Hearings Examiner pursuant to Ch. 2.25 LCC for both building permit and construction standards review under this chapter.

(b) Upon receipt of an application under either (1) or (2) above, the County shall notify all property owners abutting or within 300 feet of the property which is the subject of the permit, to notify them of the proceeding and of their right to participate. State and federal agencies overseeing affected scenic highways, priority habitat or historic places, noted under 15.50.030(2), shall also receive notice. The notice of the proceeding shall also be published in the newspaper of record, at the applicant's expense.

(c) The hearings examiner may condition such wireless communications facility approval based on written recommendations in environmental documents, and as otherwise necessary to comply with the requirements of this chapter, the County Comprehensive Plan, development regulations, and environmental regulations.

(d) The hearing examiner shall issue a decision which shall be final for County purposes. Any party aggrieved by the decision of the hearing examiner, with

standing as provided by Chapter 36.70C RCW, LUPA, may appeal such decision pursuant to LCC 2.25.140, with further appeal to Superior Court pursuant to Chapter 2.25 LCC.

(4) Temporary WCFs. In order to facilitate continuity of services during maintenance or repair of existing installations, or prior to completion of construction of a new WCF, temporary wireless communication facilities shall be allowed subject to Administrator review. Temporary WCFs shall not be in place or in use in excess of one hundred and eighty (180) days at any one location during any given twelve (12) month period. Temporary WCF's shall not have a permanent foundation, and shall be removed within thirty (30) days of suspension of services they provide or with lapse of the twelve (12) months, whichever is the earlier. [Ord. 1177A §1, 2001]

15.50.045 Abandonment and removal.

WCF's no longer providing regular service shall be completely removed by the property owner and/or service provider within 180 days from the date of either use or operation discontinuation, and the site shall be re-vegetated. The owner shall then report in writing such discontinuance of service within fourteen (14) days to the Administrator. If such WCF is not removed within the 180-day period, the county may remove the WCF at the owner's expense in the same manner as provided for in Ch. 12.20 LCC. [Ord. 1177A §1, 2001]

15.50.050 Fees and penalties.

(1) Fees for permit applications, variances and appeals under this Chapter shall be as set forth in the Title 18 LCC and the Lewis County Schedule of Fees. The Schedule of Fees is established by local Resolution on file with the Board of County Commissioners and referenced under Title 18 LCC.

(2) It shall be unlawful for any person, firm, corporation, or association, or agent thereof, to violate any provision of these regulations. Any such person or other such party who violates any provision of these regulations are required thereunder shall be subject to the penalties and provisions of Ch. 1.20 LCC, and as follows:

(a) Criminal Penalty. Any person, firm, partnership, corporation, or other entity violating any of the provisions of this Chapter shall be subject to the penalties in LCC 1.20.020.

(b) Violations a Public Nuisance. The following are hereby declared to be unlawful and a public nuisance:

(i) Any development or construction which is contrary to the provisions of this Chapter;

(ii) Any work done or action taken with respect to any development or construction, or product thereof, which is contrary to the provisions of this Chapter; and

(iii) Any violation of any provision of this Chapter.

(c) The Administrator or county code compliance officer shall take steps to abate public nuisances as defined herein. The Prosecuting Attorney may also commence an action or actions, proceeding or proceedings for the abatement, removal, or enjoinder of public nuisances as defined herein. The power hereby granted to abate a public nuisance shall be construed broadly.

(d) Cumulative Civil Penalty. In addition to, or as an alternative to, any other penalty provided herein or by law, any person, firm, or corporation which violates the provisions of this Chapter or violates the provisions of regulations adopted by reference in this Chapter shall incur a cumulative civil penalty as set forth in LCC 1.20.040(1)(b)(v), except that such cumulative penalty shall be \$200 per day:

(i) For good cause shown, the Administrator may extend the date set for

correction in the notice of violation; provided, that such an extension shall not affect or extend the time within which an administrative appeal must be commenced.

(ii) Collection of Civil Penalty. The Prosecuting Attorney on behalf of the County is authorized to collect the civil penalty by use of appropriate legal remedies, the seeking or granting of which shall neither stay nor terminate the accrual of additional per diem penalties so long as the violation continues.

(e) Stop Work Orders shall mean a written notice signed by the Administrator that is posted on the site of an unlawful construction activity or development which states that a violation of this Chapter has occurred, and that all unlawful activity or development, except for removal of WCF's, is to immediately cease until and unless notice is thereafter given by the Administrator to proceed. A Stop Work Order may be issued whenever there is reason to believe that there is a violation of the provisions of this Chapter. Failure to immediately abide by the Stop Work Order may result in issuance of a notice of civil penalty or initiation of enforcement actions, as noted in this section.

(f) Compromise, Settlement and Disposition of Suit. The Prosecuting Attorney is hereby authorized to enter into negotiations with the parties or their legal representatives named in a lawsuit for the collection of civil penalties to negotiate a settlement, compromise, or otherwise dispose of a lawsuit when to do so will be in the best interest of the County. [Ord. 1177A §1, 2001]